# ANNUAL REPORT

1984

Office of the
Ombudsman

Province of Manitoba

85-5690/

MANITOBA
OFFICE OF OMBUDSMAN

# Fifteenth Annual Report of the OMBUDSMAN

For the period January 1st, 1984 — December 31st, 1984

Presented to the Legislature pursuant to Section 42 of The Ombudsman Act

Ombudsman Manitoba

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The Honourable D. James Walding
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of The Ombudsman Act, I am pleased to submit the Annual Report of the Ombudsman for the calendar year January 1 to December 31, 1984.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE
OMBUDSMAN

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# Introduction

The Ombudsman's Office was extremely busy during 1984, with the workload reaching an all-time high of 2,082 concerns. Of these, 807 were formal written complaints and 1,275 were telephone or counter inquiries. When comparing these figures with the 1983 statistics of 728 written complaints and 1,179 telephone or counter inquiries for a total of 1,907 concerns, we see an increase of 11% with respect to formal complaints, 8% regarding informal matters, and 9% in overall workload.

Even with the addition to my office of one Investigative Assistant, the workload during the past year caused considerable strain upon my staff and they had to draw upon all the devotion, dedication, and conscientiousness that they could muster to keep on top of cases and provide an acceptable level of service to the public. I commend my staff for their undaunting efforts, their efficiency, their tolerance, and for the high quality of work performed throughout the year.

The new staff member who joined our team this past year as an Investigative Assistant is Manitoban-born Raymond Wahl, who brings to our office five years of experience as an Investigator with the Office of the Saskatchewan Ombudsman. With the addition of Mr. Wahl, my staff are as follows:

Barry Tuckett — Assistant to the Ombudsman
Donna Drever — Investigative Assistant
Beverly Rayburn — Investigative Assistant
Max Regiedzinski — Investigative Assistant
Raymond Wahl — Investigative Assistant
Karen Sacher — Administrative Secretary
Lorna Bardarson — Administrative Secretary

I am pleased to record in this report my sincere appreciation to my staff for their contribution in assisting me to fulfill my duties and responsibilities as Ombudsman for the Province of Manitoba. Thank you staff for a job well done.

In these opening remarks, I would also like to express my thanks and appreciation to the many civil servants and officials of government departments and agencies with whom we have communicated during the past year, and who have shown generally an immense degree of co-operation, support, and understanding for the work of our office. While all experiences have not been pleasant, I think it is important to note that, for the most part, civil servants and those employed with or heading government departments or agencies have a genuine desire to serve the public well, and this has been demonstrated by the positive response to our office during investigations, and by the willingness to correct injustices or mistakes when such have been found to exist.

Finally, I express my appreciation to the general public — to those of you who had enough confidence in the office that you brought forth your concerns to be reviewed, and to those of you who simply wished to learn more about the office through our public relations program. On numerous occasions, I have expressed my view that the Office of the Ombudsman, or for that matter any office established to serve the public, can only be effective if the public it is intended to serve learns about the office, utilizes the office, supports the office, and expresses its confidence in the office. I appreciate hearing from the public any concerns it may have with respect to the operation of the office, because the Ombudsman, as an officer and servant of the Legislature, is in effect your servant and can serve you best only when there is a free flow of communication. The Ombudsman must always, within the mandate of the legislation, strive to serve the public well, and you, the public, should always feel free to approach your Ombudsman with any concerns you may have.

# National and International Events

The Ombudsman concept is both a national and international concept. From its Swedish origin in 1809, the concept has spread to many parts of the world. There are legislative Ombudsmen in Africa, Australia, Austria, Canada, Denmark, England, Federal Republic of Germany, Fiji, Finland, France, Guyana, India, Israel, Italy, Jamaica, Mauritius, The Netherlands, New Zealand, Northern Ireland, Ireland, Norway, Papua New Guinea, Portugal, Scotland, Solomon Islands, Spain, Sweden, Switzerland, Tanzania, Trinidad and Tobago, United States, and Wales. Nine of the ten Canadian provinces have Ombudsmen.

On the national scene during the past calendar year, I had the opportunity to participate in a seminar sponsored by the British Columbia Ombudsman, Dr. Karl Friedmann. This seminar was attended by some of the Canadian Ombudsmen and members of their staff, as well as: The Alaska Ombudsman, the Ombudsman for Corrections for the State of Kansas, the Hawaii Ombudsman, the Canadian Correctional Investigator, the Information Commissioner of Canada, the Privacy Commissioner of Canada, and the Public Complaints Commissioner (for complaints involving the Toronto Metropolitan Police Force). The subject of the seminar was the monitoring of institutions by inspections. The seminar dealt with

how institutions under Ombudsman jurisdiction (such as correctional institutions, psychiatric facilities, youth detention centres, and so forth) can be appropriately monitored by way of inspections by Ombudsmen and their staff. Topics discussed included: The Investigation of Corrections Complaints; The Objectives of Inspection; Which Authorities Can or Should Be Inspected; Inspection Techniques; Compliance Auditing — What to Do After the Inspection; The Economics of Inspection; and, Possible Challenges to Inspection Activity.

Ombudsman legislation in Canada recognizes that people in institutions generally are in a state of complete dependency upon others for their well-being, and such people do not have the same access as do others to avenues of redress for complaints. Hence, Ombudsman legislation attempts to ensure that residents in institutional facilities have direct communication with the Ombudsman. In Manitoba the legislation reads:

> *"Privacy of communication to Ombudsman.*
>
> *22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer."*

This provision of the law emphasizes the importance of people in institutions being able to direct any concerns they may have to the Ombudsman. While these concerns may sometimes relate to matters outside the institution, most often these concerns relate to the institution and the care being given in the institution. Implicit in Ombudsman legislation, both by the privacy of communication section and the fact that the Ombudsman may, on his own initiative, investigate complaints, is the idea that special attention should be given to the concerns of those residing in institutions.

While some Ombudsman offices in Canada recommend routine formal inspections of institutions, our experience in Manitoba has been, more or less, a constant monitoring of institutions by virtue of the fact that we are in many of the institutions quite regularly in response to communication received from residents or inmates. We have conducted some tours and visits apart from specific complaint investigation; however, most of our work in the various institutions has been in connection with the investigation of complaints. The work of the Manitoba Ombudsman in institutions has, on the average, been met with a fairly positive response by those working in and responsible for the administration of these facilities. I found the seminar in British Columbia to be helpful and encouraging with respect to the work we are doing in our institutions in the Province of Manitoba.

On the international scene, the Ombudsman was pleased to receive at his office three distinguished visitors: Kedar Nath Upadhyay of the Office of the Attorney General, Ramshah Path, Kathmandu, Nepal; Molid Azam Khan, Joint Secretary, Law Division, Islamabad, Pakistan; and R. E. N. Baker of the Office of the Parliamentary Ombudsman, 78 Harbour Street, Kingston, Jamaica, West Indies. These three gentlemen, whose visit with the Ombudsman was arranged by the Manitoba Human Rights Commission's Public Education Officer, were very interested in hearing about the mandate and work of the Manitoba Ombudsman. Our exchange of information regarding working in our respective jurisdictions was, I believe, mutually beneficial. The work of an Ombudsman can sometimes be a lonely and frustrating job, and it is quite important to be able to share experiences with those performing similar tasks. Even though there may be some social, political, and economic differences from country to country, the common bond of humanity remains, and the problems that beset the average citizen are universal.

Also on the international scene, in September, 1984, your Manitoba Ombudsman was honoured with a visit by a delegation from West Germany, namely the Petitions Committee of the Parliament of the German National Assembly of Bonn, West Germany. This Committee is an all-party parliamentary committee which performs an Ombudsman function by hearing grievance petitions of West German citizens and dealing with matters relating to the military. This Committee plays a very important role in the life of West Germany and is represented by its chairman at all international Ombudsman conferences. The purpose of the Petitions Committee's visit to Manitoba was to inspect Camp Shilo, where West German troops train, and to meet with the Manitoba Ombudsman. I was pleased to be able to have discussions with my West German colleagues and to introduce them to the Speaker of the Manitoba Legislature, who graciously received them and gave them a historical account and tour of the Legislative building. The delegation accompanied by the Winnipeg Honorary Consul of the Federal Republic of West Germany, Mr. Rudolf Thiele, and an interpreter, Brigette Falky, were as fol-

lows: Lislotte Berger — Chairperson; Reiner Haungs, Wolfgang Saurin, Horst Peter, Gert Wartenberg, Professor Dr. Wolfgang Rumpf — Committee Members; and, Jurgen Massengeil, Minister — Counsellor and Secretary to the Committee. The visit, which was shared by my staff, and the exchange of ideas was enjoyable and beneficial to all.

A third international event, and one of some significance, was the Third International Ombudsman Conference and the Ombudsman Seminar held in Stockholm, Sweden and Helsinki, Finland, taking the Ombudsmen and staff representatives back to the Scandinavian home of the Ombudsman concept. This conference was attended by about 250 people and the seminar by about 100 people; these delegates being from the many countries of the world mentioned earlier in this report. Mr. Per-Erik Nilsson, Administrative Chief Ombudsman for Sweden, and Dr. Jorma S. Aalto, Parliamentary Ombudsman for Finland, were excellent hosts and organized a truly stimulating, informative, and refreshing conference and seminar. We were able to get to know and appreciate our counterparts around the world and the work they are doing and also we were able to enjoy immensely the beauty, history, hospitality and the people of Sweden and Finland.

The topics discussed at the conference were:

The Ombudsman and Human Rights;
The Ombudsman and Politics;
The Ombudsman and the Media;
The Ombudsman and Computerized Administration;
The Ombudsman and the Discretionary Exercise of Power;
The Ombudsman and the Formal Hearing; and,
Does the Ombudsman get the complaints that he should — or the ones that he deserves?

The topics discussed at the seminar were:

Electronic Data Processing in the Ombudsman Office;
Harmonization of Common Statistical Elements;
The Use of Outside Experts by the Ombudsman;
The Ombudsman and Complaints Against Police and Similar Occupational Categories;
Publicity in the Ombudsman Office; and,
How to Deal With the Chronic Complainant.

I found this conference and seminar to be educational and very helpful to me in my work, and I am therefore formally recording, in this report, my appreciation and commendation to all who participated to make these events successful.

# The Supreme Court of Canada Decision re Provincial Ombudsmen and Crown Corporations

On November 22, 1984, the Supreme Court of Canada handed down a decision of great significance to all Canadian Ombudsmen, ruling that Provincial Ombudsmen have the jurisdiction to investigate the actions of provincial Crown corporations. This decision resulted from a complaint made in July, 1981 to British Columbia Ombudsman, Dr. Karl Friedmann. The complaint was against a Crown corporation called the British Columbia Development Corporation (B.C.D.C.).

The following information, received from the British Columbia Ombudsman, summarizes the situation:

*The case goes back to the mid-1970s when B.C.D.C. became involved in a major waterfront redevelopment project in New Westminster. In August 1977, the First Capital City Development Company, a B.C.D.C. subsidiary, was incorporated and charged with seeing the project through.*

*The King Neptune Sea Foods restaurant was located within the redevelopment area. The restaurant had operated at that location for 32 years and had come to be considered a landmark. Initially, the restaurant was to be part of the $350 million project. Subsequently, however, B.C.D.C. refused to renew the restaurant's lease when it expired at the end of 1981. A few weeks later, the King Neptune was floated down the Fraser River on a barge. Since that time, the restaurant, which had employed up to 80 people and grossed more than $2 million a year, has sat empty at the Vancouver waterfront.*

*On July 14, 1981, the former owner of the King Neptune complained to Dr. Friedmann, charging First Capital with having negotiated in bad faith. It was followed by a second complaint against B.C.D.C.*

*When two of Dr. Friedmann's investigators showed up at B.C.D.C.'s offices in November 1981 to get the documents and files dealing with the case, the Crown corporation would not produce them. Served with a "Direction to Produce Documents," however, and warned that failure to comply might result in charges of an offence under the Ombudsman Act, the corporation relented and produced the files.*

*That same day, B.C.D.C. and Fist Capital applied for and were granted an interim injunction, prohibiting the ombudsman from examining the documents. In a subsequent trial, the Supreme Court of B.C. ruled that the ombudsman had no jurisdiction over matters involving the exercise of business judgment. Dr. Friedmann then took the case to the British Columbia Court of Appeal which reversed the B.C. Supreme Court's ruling.*

*B.C.D.C. and the B.C. Attorney General took the case to the highest court — the Supreme Court of Canada. The ombudsmen of Saskatchewan, Ontario and Quebec acted as interveners in the case because the outcome would also determine their rights to investigate Crown corporations in their provinces.*

*The judgment of the Supreme Court of Canada deals with the very core of the ombudsman's jurisdiction. The Ombudsman Act, the legislation that confers jurisdiction on the B.C. ombudsman, allows him to investigate "a matter of administration," and according to the Supreme Court, that phrase includes anything the executive arm of the government does.*

*"A bewildering array of governmental authorities now regularly implement governmental policies and programs in the market place. The decisions made by the government's agents in these areas are no less administrative merely because the policies they implement are tied to some greater or lesser extent to business concerns," the ruling states.*

*Only the courts and the Legislature are excluded from the ombudsmen's scrutiny, according to the ruling.*

*The judgment makes short shrift of a number of additional arguments advanced by the Attorney General of B.C. One was the contention that the ombudsman cannot accept complaints from corporations, an argument the ruling referred to as "rather strained."*

*"I will not pause long to consider the argument of the Attorney General of British Columbia that the word person ... does not include corporations. Corporations, after all, are merely vehicles through which natural persons pursue economic goals. When a corporation is treated unfairly or denied something to which it has a right, the effects are felt by people," the judgment states.*

*"Denying standing to corporations, would result in some injustices to people going unexamined and possibly unredressed, whether those people are shareholders or, as here, long term employees who stood to lose their jobs if King Neptune's restaurant closed," the judgment continues.*

*A second contention forwarded by the B.C. Attorney General was that King Neptune did not fall into the category of "aggrieved person," as set out in the Ombudsman Act, that the ombudsman has jurisdiction only if a complainant has a legal grievance.*

*"I would hold that a party is aggrieved or may be aggrieved whenever he genuinely suffers, or is seriously threatened with, any form of harm prejudicial to his interests, whether or not a legal right is called into question," the ruling states.*

*"In this case, it is quite clear that the loss of the waterfront location for the restaurant could cause harm prejudicial to the interests of King Neptune and therefore the King Neptune might be aggrieved by the conduct of B.C.D.C. and First Capital," the ruling continues.*

It should be noted that this unanimous judgment, written by Chief Justice Dickson, agrees with and quotes Alberta Chief Justice Milvain who stated in 1970 that the Ombudsman "can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds." I should indicate that, although the Manitoba Ombudsman did not formally intervene in the case, I did fully endorse and lend my support to the action taken by the British Columbia Ombudsman.

I am pleased to note that in Manitoba your Ombudsman has always received excellent cooperation from Crown corporations and jurisdiction has never been questioned. Nonetheless, it is very reassuring to know that the highest Court in our nation has sanctioned what both the Ombudsman and the Crown corporations here in Manitoba have accepted as the normal course of events.

# A Comment on Legal Aid

Among the selected case summaries in my 1983 Annual Report, I presented a case involving the denial of a Legal Aid Certificate. That case summary was concluded with the following paragraph:

*"While this particular case was eventually satisfactorily resolved in that the merits of the case were reviewed and a Legal Aid Certificate granted, the situation did reveal what I felt to be a more general problem, namely the adequacy of the appeal procedure available under the Statute for persons who are denied legal aid*

*services. The appeal procedure set out under The Legal Aid Services Society of Manitoba Act and Regulations essentially provides that an applicant for legal aid services or a solicitor may appeal to the Executive Director in respect of any decision of an area director, and to the Board in respect of any decision of the Executive Director. This appeal procedure appears to me to be more of an internal review than an external appeal, and as such has the inherent danger of being viewed as (if not actually being) subjective and partial rather than objective and impartial. The Ombudsman feels that it is very important, and particularly in the provision of Legal Aid Services, that justice not only be done but also appear to be done. Consequently, I submitted a recommendation to the Attorney-General, as Minister Responsible for Legal Aid Services, that appropriate consideration be given to amending The Legal Aid Services Society of Manitoba Act to provide for a more effective and objective appeal process in cases where legal aid services are refused. The Attorney-General acknowledged receipt of my recommendation and indicated that this matter was being reviewed through the appropriate channels and that I would be informed when a decision was made. At the time of writing this report, this matter had not been finalized and I shall report the outcome of this matter in my next annual report."*

Subsequent communication with the Attorney General revealed that the matter had been studied by the Attorney General's Legislative Draftsman and Research Officer, who, taking into consideration, among other things, the views of the Board of Directors and administration of Legal Aid Manitoba, recommended no legislative changes in the Legal Aid appeal process. It was the opinion of the Attorney General's Department that a decision to grant or deny legal aid was on balance administrative rather than quasi-judicial and therefore did not require the procedural safeguards attached to the exercise of quasi-judicial powers. The Department felt that the Board of Legal Aid Manitoba took its responsibilities seriously and that the protections given to applicants, through its current appeal procedures, were well within the requirements of administrative law.

The Attorney General's Department backed up its opinion on the adequacy of the current Legal Aid appeal procedures by referring to a recent report of the Manitoba Law Reform Commission entitled *Report on Administrative Law Part 1: Procedures of Provincial Government Agencies.* In that report, the Law Reform Commission identified six different kinds of powers exercised by administrative agencies whose decisions affect the rights and interests of Manitobans. One kind of power identified was the power to award benefits (which is what Legal Aid Manitoba does in awarding Legal Aid Certificates) and this power was sixth on the list and identified as the power warranting the fewest procedural safeguards. The Commission classified the Legal Aid Board as belonging to this category. The Commission, while stressing that procedures governing agencies such as Legal Aid Manitoba should be flexible, at the same time felt there must be some procedural protections given to applicants to ensure fairness and accuracy in the decision-making process. The Commission stated:

> *". . . that, at minimum there should be the right of comment and reasons. That is, an applicant should be allowed to make some representation (either oral or written) concerning his/her application. In addition, an agency should be required to give reasons (either oral or written) where an application has been rejected and when so requested by an applicant."*•

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•*Report on Administrative Law Part 1: Procedures of Provincial Government Agencies*, Manitoba Law Reform Commission, p. 91.

The Attorney General's Department felt that the Legal Aid Board meets their proposed guidelines and that, in fact, goes well beyond these by allowing applicants the right to appeal the denial of legal aid, and by thoroughly reviewing each appeal.

The Board of Directors of Legal Aid Manitoba expressed the view that The Legal Aid Services Society of Manitoba Act and Regulations provide a fair, objective, and independent appeal procedure and in this regard amendments to the Act and/or Regulations are not required. The Board did recognize, however, that the *improper application* of the Act and Regulations in a particular case can lead to the perception that the appeal procedure is unfair. The Board admitted that there had been improper application of this appeal procedure in the particular case which had given rise to the Ombudsman's recommendation for an amendment to the legislation. The Board agreed that the improper procedure used in this particular case had, in fact, left the applicant with a single hearing and no right of appeal. The Board admitted that this failure to follow the Act and Regulations was wrong. However, the Board pointed out that this error has been recognized and corrected and assured that, currently, proper procedures, as prescribed by the Act and Regulations, are "assiduously being followed". The Board's position is that with the proper following of statutory procedures no revision is currently required to the Act or Regulations.

After giving careful consideration to the information presented by the Attorney General's Department as well as the information presented by Legal Aid Manitoba, I decided that no further action need be taken with respect to r ' recommendatic" concerning The Legal Aid Services Society of Manitoba Act. In light of the fact that the error made in the particular case had been recognized and corrected, and in light of the fact that proper procedures are now being followed, I am satisfied that there no longer appears to be an immediate need for an amendment to The Legal Aid Services Society of Manitoba Act. I did, however, ensure the Attorney ' neral that, through cases which come to my attention, I shall continue to monitor the effectiveness of the current legal aid system and, if it appears at any point in the future that individuals are experiencing grievances as a result of the appeal procedures available, the Ombudsman may very well be back with an appropriate recommendation in that regard. I should, however, add a reminder here that, while the Ombudsman can recommend that any law on which a decision, recommendation, act or omission was based should be reconsidered, the actual amending or changing of laws is the responsibility of the politicians whom we elect to represent us.

# An Update on Ombudsman Services for Children

In my 1983 Annual Report, I wrote a section entitled "An Ombudsman for Children" in which I gave some background concerning the movement that was taking place to obtain more Ombudsman service for children. In that article, I explained what our office was doing to assist children and expressed my support of any measures which would help protect the rights of children. The expressed wish of the citizen committee (called the Committee for a Children's Ombudsman) as it related to my office was that there be added to my staff a person who would be responsible for handling cases involving children and who would make the Ombudsman Office readily accessible to children to help ensure that a high quality of service is provided to all children in the Province of Manitoba. I indicated to these concerned members of the public that I would welcome an additional person in my office to assist us with matters involving children. I emphasized that any Investigative Assistant in my office, whether that person be charged with dealing specifically with children's concerns or otherwise, would be completely responsible to the Ombudsman for the carrying out of his/her functions.

In my report for 1983, I indicated that I had received correspondence from the Attorney General mentioning that he, the Premier and the Chairperson of the Social Resources Committee of Cabinet had also met with the Committee for a Children's Ombudsman. The Attorney General's letter had requested from me information concerning the resources required for my office to provide special service to children. I had provided that information but, at the time of writing my report, had not been formally informed of any decision regarding increasing my staff to accommodate the request for more service to children.

During the latter part of 1983 and into 1984, there were several changes among Cabinet ministers with regard to their various responsibilities and there were at least two changes with respect to the Cabinet minister responsible for handling this matter of additional Ombudsman service for children. Although reportedly a favourable decision had been made by Cabinet to add a staff position to the Ombudsman's Office to specifically handle children's concerns, this decision, possibly due to the various changes of ministerial responsibilities and the fact that no one minister is responsible for the Ombudsman's Office, was not communicated to the Ombudsman. Accordingly, the Ombudsman at budget time did not request additional funding for this staff position because the Ombudsman had no knowledge that such a position had been approved, and he certainly had no knowledge, nor had it been communicated to him, that he was to submit a formal request at budget time for these resources. In fact, the Ombudsman had already, as previously mentioned, submitted to the Chairperson of the Social Resources Committee of Cabinet, a financial breakdown of the cost involved for this additional service, and the Ombudsman felt that, if Cabinet wished that amount to be added to the Ombudsman's budget submission, it would have been a simple matter to have instructed that such be done. However, appropriate communication did not take place and consequently no funds were allocated to the Ombudsman's 1984-85 budget to accommodate a special Investigative Assistant for children's concerns.

The Ombudsman had, quite apart from the issue of special service to children, requested an additional staff person. This request was based solely on the total number of complaints (children's concerns included) being received by the office, and the backlog situation that was developing. This particular request was approved and an additional Investigative Assistant joined my staff during 1984. Because this addition provided some relief to the caseload and hence some flexibility, and because of the mix-up concerning the provision of a special Investigative Assistant for children's concerns, and because the concerned citizen's committee was still requesting special

Ombudsman service for children, I agreed to formally designate the person in my office who had been handling most of the cases involving children as the officer who would be primarily responsible for children's concerns. After discussions with me regarding the provision of services to children, the government agreed to evaluate the demand for such a service in the late spring of 1985 to determine whether an additional officer for children would be required at that time. If the review indicated that an additional officer responsible for children would be desirable, a request to the Legislative Assembly Management Commission would be made by government members on the Commission. The Legislative Assembly Management Commission is an all-party committee responsible for the management of the administrative affairs of the Legislative Assembly. Whereas the Ombudsman is an officer of the Legislative Assembly, the Ombudsman's budget and related matters would come under the jurisdiction of this all-party committee.

In concluding this update on Ombudsman services for children, I would like to emphasize that because of our ever-increasing caseload, if we are to expand upon our services for children, then we will certainly require an additional officer. However, I will repeat what I have stated on many occasions; namely, that the Ombudsman has always made his services available to all, regardless of age, and that when it comes to problems involving children we care immensely and we give priority to these cases when priority is warranted, and will continue to do so.

# Public Relations

The Ombudsman had a very busy year in 1984 insofar as the public relations work of the office is concerned, attending seventy-two public relations functions which collectively involved over six thousand, seven hundred people. Of these functions, thirty-five involved the Ombudsman as guest speaker and the remaining thirty-seven involved being present in an official capacity, sometimes bringing greetings on behalf of the office, or acting as a resource person, or proposing a toast, or judging a contest, or simply being a head table guest. These speaking engagements and public appearances brought me into contact with a variety of community groups and organizations involving people of various age groups, minority and ethnic groups, special interest groups, and so forth. To give a better understanding of the kinds of functions to which the Ombudsman is invited, I have listed below the thirty-five engagements to which I was invited as guest speaker.

| Event | Location | Topic of Speech | Approximate Number of People Present |
|---|---|---|---|
| Lord Selkirk Comprehensive School, Law classes | Selkirk, Manitoba | The Role of the Ombudsman | 100 |
| Rotary Club of North Winnipeg | Winnipeg, Manitoba | The Role of the Ombudsman | 25 |
| Law Society of Manitoba, Bar Admission Course "How to Utilize Governmental Remedies" | Winnipeg, Manitoba | The Role of the Ombudsman | 60 |
| University of Manitoba Law School | Winnipeg, Manitoba | The Role of the Ombudsman | 11 |
| The Grenadian Association of Manitoba Fourth Annual Banquet and Dance | Winnipeg, Manitoba | Rising to the Occasion | 120 |
| Lions Place Men's Club (Lions Club of Winnipeg Senior Citizen Project) | Winnipeg, Manitoba | The Role of the Ombudsman | 20 |
| Fort Garry Kiwanis Club | Winnipeg, Manitoba | The Role of the Ombudsman | 13 |
| University of Winnipeg, Introduction to Public Administration Course | Winnipeg, Manitoba | The Role of the Ombudsman | 70 |

| Event | Location | Topic of Speech | Approximate Number of People Present |
|---|---|---|---|
| Young Offenders Act Seminar Soonsored by: Children's Home; Project Prevention; and Manitoba Youth Centre | Winnipeg, Manitoba | Children's Rights | 100 |
| Visible Minorities and the Advertising Media Conference (Mini-Conference Workshop) | Winnipeg, Manitoba | Portrayals and Balance | 25 |
| Business of Living — Self-Awareness Program | Winnipeg, Manitoba | The Role of the Ombudsman | 10 |
| Children's Aid Society of Winnipeg | Winnipeg, Manitoba | The Role of the Ombudsman | 30 |
| Headlingley Correctional Institution, Duty Officers' Meeting | Headingley, Manitoba | The Role of the Ombudsman | 20 |
| St. Boniface/ St. Vital Rotary Club | Winnipeg, Manitoba | The Role of the Ombudsman | 50 |
| St. Andrews River Heights United Church, Beavers Group | Winnipeg, Manitoba | Being Good Citizens | 25 |
| St. Andrews River Heights United Church Scout Troop | Winnipeg, Manitoba | The Role of the Ombudsman | 15 |
| Venturers' Provincial Conference | Winnipeg, Manitoba | The Role of the Ombudsman | 100 |
| Manitoba Youth Centre | Winnipeg, Manitoba | The Role of the Ombudsman | 15 |
| Meeting of Superintendents of Correctional Institutions | Winnipeg, Manitoba | The Role of the Ombudsman | 9 |
| Canadian Foster Parents Association Conference | Winnipeg, Manitoba | The Rights of Foster Parents | 100 |
| Department of Education Conference "Multiculturalism in the School Curriculum" | Winnipeg, Manitoba | Cultural Maintenance within the Curriculum | 30 (Workshop attendance) |
| "Aspects of Aging in the 80's" First Annual Educational Seminar for Seniors | Beausejour, Manitoba | Emerging Issues for Seniors | 115 |
| Children's Aid Society of Winnipeg Foster Parents Recognition Night | Winnipeg, Manitoba | Children's Rights | 150 |
| Gordon Bell High School | Winnipeg, Manitoba | The Role of the Ombudsman | 7 |
| Manitoba Society of Criminology | Winnipeg, Manitoba | The Public, The Ombudsman in Crime Prevention | 50 |
| Department of Health, Meeting of Heads of Psychiatric Units | Winnipeg, Manitoba | The Role of the Ombudsman | 12 |

| Event | Location | Topic of Speech | Approximate Number of People Present |
|---|---|---|---|
| The Children's Home of Winnipeg 99th Annual General Meeting | Winnipeg, Manitoba | Children's Rights and the Young Offenders Act | 75 |
| The Manitoba Landlords Association General Meeting | Winnipeg, Manitoba | Self-Examination — A Must for Every Organization | 400 |
| The Children's Home of Winnipeg Project Chance — Foster Parents Annual Meeting | Winnipeg, Manitoba | Children's Rights | 20 |
| Department of Business Development and Tourism Effective Business Consulting Seminar | Winnipeg, Manitoba | Moral Responsibilities Pertinent to Government Consulting Activities | 30 |
| Independent Order of English Mechanics Friendly Society Preston Unity Grand Lodge 520F, 15th Anniversary Banquet and Dance | Winnipeg, Manitoba | Self-Examination — A Must for Every Organization | 225 |
| Winnipeg Foster Parents Association | Winnipeg, Manitoba | The Role of the Ombudsman | 30 |
| Holy Eucharist Brotherhood of Ukrainian Catholic Men's Club (Communion Breakfast) | Winnipeg, Manitoba | The Role of the Ombudsman | 50 |
| World Wide Association of Reflexologists | Winnipeg, Manitoba | Self-Examination — A Must for Every Organization | 40 |
| The Winnipeg Labour Council 2nd Annual Policy Conference | Winnipeg, Manitoba | Racism, Its Causes and Its Consequences | 125 |

# The Consultative Function of the Ombudsman

An important aspect of the Ombudsman's role, which I feel merits some comment, is the consultative function. The Ombudsman, being an officer of the Legislature and because of the involvement with complaints involving matters of administration by government, is in a unique position of being able to shed some practical insight on major reports, proposed legislation and proposed programs or policy changes by government. The Ombudsman has been asked for opinions or comments on proposed child welfare legislation, reports on changes to the Workers Compensation system, revisions to The Mental Health Act, reports on the educational system, programs and appeal processes involving the mentally disabled, freedom of information legislation, the Law Reform Commission's report on Administrative Law, and various other matters — all of which require a fair amount of time to frame a proper informative and helpful response. This consultative responsibility of the Ombudsman tends to assist in bringing about changes to the system which hopefully prevent problems from arising, and is every bit as important as dealing with individual complaints. In fact, appropriate monitoring of the system will actually prevent many complaints, which might otherwise occur.

The consultative function of the Ombudsman is set forth to some degree in Sections 16(1) and 16(2) of The Ombudsman Act, which read as follows:

*"Reference by committees of assembly.*

*16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall*

*(a) subject to any special directions of the committee, investigate the petition or mat-*

*ter referred to him so far as it is within his jurisdiction; and*

*(b) make such report to the committee as he thinks fit."*

*"Reference by Lieutenant Governor in Council.*

*16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,*

*(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and*

*(b) make such report to the Lieutenant Governor in Council as he thinks fit."*

It should be noted that in any matter referred to the Ombudsman for comment, whether that matter be referred by a Minister, Lieutenant Governor in Council, or committee of the Assembly, the Ombudsman will base his comments on the practical experience that comes from the examination of complaints that have been received in the office. It is to be clearly understood that, in consultation matters, the Ombudsman's powers remain the same and any recommendations that come forth are recommendations only, and it is up to the appropriate source to decide whether or not to accept those recommendations. While the Ombudsman may be able to report and recommend on policies and laws, the responsibility for the formulation of these rests ultimately with our elected representatives.

# Investigations on Ombudsman's Own Initiative

The Ombudsman is empowered to investigate complaints by Section 15 of The Ombudsman Act, which reads:

*"Investigations.*

*15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved." (Emphasis added.)*

The words which I have underlined in this Section are very important because they allow the Ombudsman to monitor the administrative machinery of government without having to have specific complaints come forward. If the Ombudsman, through contact with a department or agency, or through media reports, or through any other means, obtains information which causes him concern with respect to matters of administration by provincial government departments or agencies, he may investigate those matters on his own initiative. Also, if a particular complainant comes forward with a complaint but later decides not to pursue the problem for whatever reason, and if, in the Ombudsman's opinion, upon a balance between the public interest and the person aggrieved, the Ombudsman feels the situation should be investigated he can investigate the matter on his own initiative. Investigations on the Ombudsman's own initiative may quite often end up recommending changes in policy and procedure, thereby having the potential of being beneficial to all rather than simply the few who may be aggrieved at the time.

While, during the past year, our office was extremely busy responding to complaints brought forward by allegedly aggrieved parties, the Ombudsman did nonetheless initiate thirteen investigations on his own motion because, in the Ombudsman's opinion, these were situations which had to be addressed. Although this is not a large number, in light of our heavy workload it is a significant number. The matters reviewed at the motion of the Ombudsman were issues of a fairly serious nature and were as follows:

- An individual reportedly having been refused help at a mental health centre;
- Departmental policy not allowing a qualified homemaker to be paid for providing care for her brother;
- Autopac arbitration procedures;
- Procedures for cancelling driver's licence for failure to pay second payment of autopac premiums;
- Child Abuse Registry recording procedures;
- Procedures of child care agency in adoption case;
- Communication problem between professionals re transfer of patient from one facility to another;

— Security measures re anonymous information;

— Correctional officers not wearing identification tags;

— Alleged inappropriate behavior by staff towards residents of youth centre;

— Lack of procedure for appropriate sharing of information by agencies;

— Actions of social worker; and

— Lost property complaints in correctional facility.

Of these thirteen complaints, eight were matters that were picked up as side issues arising out of and during the investigation of other complaints, three were matters that came to the Ombudsman's attention through newspaper reports, and two were initiated on the basis of telephone calls from concerned individuals. While assistance was rendered in one of these cases and five were resolved, seven were still under consideration at the time of writing this report.

Ombudsmen have sometimes been described as "watchdogs" scrutinizing or keeping watch over the bureaucracy of government. While this "watchdog" function sometimes, of necessity, takes second place to the function of responding to complaints brought forward, I feel it is very important that an Ombudsman remain ever vigilant to potential injustices in the administration and be prepared to investigate these matters on his own initiative, if need be.

# Complaint Statistics

## Cases Brought Forward From the Previous Year

At the close of the calendar year 1983, 62 cases were pending (4 of which had been carried over from the calendar year 1982). The dispositions of these cases are as follows:

| | |
|---|---|
| Assitance Rendered | 7 |
| (82-120-29 — Consumer and Corporate Affairs, 83-140-71 — Community Services and Corrections, 83-290-2 — Housing, 83-290-33 — Housing, 83-290-44 — Housing, 83-290-54 — Housing, 83-410-16 — Workers Compensation Board) | |
| Discontinued (Client) | 1 |
| (83-360-20 — Natural Resources) | |
| Information Supplied | 7 |
| (83-140-91 — Community Services and Corrections, 83-290-50 — Housing, 83-320-56 — Manitoba Public Insurance Corporation, 83-320-81 — Manitoba Public Insurance Corporation, 83-350-18 — Municipalities, Cities, Towns, Etc., 83-350-30 — Municipalities, Cities, Towns, Etc., 83-380-85 — Private Matters) | |
| Not Supported | 9 |
| (83-110-28 — Attorney-General, 83-110-36 — Attorney-General, 83-110-38 — Attorney-General, 83-260-5 — Government Services, 83-290-35 — Housing, 83-290-36 — Housing, 83-320-73 — Manitoba Public Insurance Corporation, 83-320-78 — Manitoba Public Insurance Corporation, 83-410-5 — Workers Compensation Board) | |
| Partially Resolved | 2 |
| (83-100-2 — Agriculture, 83-140-89 — Community Services and Corrections) | |
| Resolved | 18 |
| (82-120-30 — Consumer and Corporate Affairs, 82-120-31 — Consumer and Corporate Affairs, 83-110-32 — Attorney-General, 83-140-67 — Community Services and Corrections, 83-140-105 — Community Services and Corrections, 83-200-7 — Education, 83-270-58 — Health, 83-280-25 — Highways and Transportation, 83-280-39 — Highways and Transportation, 83-290-11 — Housing, 83-290-15 — Housing, 83-290-21 — Housing, 83-290-42 — Housing, 83-290-55 — Housing, 83-290-59 — Housing, 83-310-29 — Manitoba Hydro, 83-350-22 — Municipalities, Cities, Towns, Etc., 83-360-9 — Natural Resources) | |
| Still Pending | 18 |
| (82-120-7 — Consumer and Corporate Affairs, 83-100-5 — Agriculture, 83-140-88 — Community Services and Corrections, 83-140-99 — Community Services and Corrections, 83-140-100 — Community Services and Corrections, 83-220-3 — Environment and Workplace Safety and Health, 83-270-21 — Health, 83-280-9 — Highways and Transportation, 83-280-15 — Highways and Transportation, 83-280-40 — Highways and Transportation, 83-290-16 — Highways and Transportation, 83-290-48 — Housing, 83-290-49 — Housing, 83-290-63 — Housing, 83-350-29 — Municipalities, Cities, Towns, Etc., 83-360-5 — Natural Resources, 83-360-8 — Natural Resources, 83-370-1 — Northern Affairs) | |
| Total | 62 |

## Dispositions of 1984 Complaints

| | |
|---|---|
| Assitance Rendered | 81 |
| Declined | 52 |
| Discontinued (Client) | 45 |
| Discontinued (Ombudsman) | 14 |
| Information Supplied | 241 |
| Not Supported | 180 |
| Pending | 95 |
| Resolved | 99 |
| Total | 807 |

The dispositions which may be viewed as being most helpful to the complainants are: Assistance Rendered, Information Supplied and Resolved. Combining these dispositions for 1984, we find that out of the 712 cases completed, the Ombudsman was able to provide a *positive response* in 421 cases, that is *59%*.

There were 95 cases, that is *12%* of the workload, to be *carried over* to the next reporting year. I might note that in 1983, only 8% of the workload had to be carried over. I think it is significant to note that not only did we receive a greater number of complaints in 1984, but also the complaints generally were of a more complex nature often requiring very detailed and time consuming investigations.

Again, as in previous years, there was a relatively small number of cases where the Ombudsman

*declined* to investigate, namely 52 cases or *6%* of the total caseload.

Of the complaints concluded, 180, that is *25%* were found to be not supported.

There were 59 cases, or *7%* of the total caseload, discontinued by either the client or the Ombudsman.

## Complaints Attributed to Each Department or Category

In last year's annual report, I introduced a new section which ranked departments according to the number of complaints our office received involving that particular department. This, I explained, was not to be looked upon as a measurement of the administrative efficiency of departments or agencies, noting that the size of a department and the nature of the service it provides to the public will often play a major role in determining the number of concerns brought forward. However, this listing of departments by the number of complaints may be useful to departments, especially if they wish to compare from year to year the number of concerns brought to the Ombudsman's attention concerning their respective department, keeping in mind, of course, that there may be various reasons for an increase or decrease. The ranking of departments and categories for 1984 is as follows:

| Rank | Department or Category | Number of Complaints | Percentage of Total (Approximately) | Number of Complaints: Up From Last Year (+) Down From Last Year (–) |
|---|---|---|---|---|
| 1 | Community Services and Corrections | 187 | 23% | + |
| 2 | Health | 94 | 12% | + |
| | Private Matters | 94 | 12% | – |
| 3 | Manitoba Public Insurance Corporation | 65 | 8% | – |
| 4 | Attorney-General (Criminal Injuries Compensation Board, Human Rights Commission, Manitoba Legal Aid, Public Trustee) | 51 | 6% | + |
| 5 | Housing (Manitoba Housing and Renewal Corporation, Rentalsman, Rent Regulation Bureau) | 49 | 6% | – |
| 6 | Workers Compensation Board | 35 | 4% | + |
| | Municipalities, Cities, Towns, Etc. | 35 | 4% | + |
| 7 | Manitoba Hydro | 23 | 3% | – |
| 8 | Natural Resources | 22 | 3% | Same |
| 9 | Employment Services and Economic Security | 21 | 3% | New Department |
| 10 | Highways and Transportation | 20 | 3% | – |
| 11 | Federal Departments and Agencies | 17 | 2% | – |
| 12 | Education | 14 | 2% | + |
| 13 | Agriculture | 12 | 2% | – |
| 14 | Courts of Law | 11 | 1% | – |
| 15 | Finance | 9 | 1% | + |
| 16 | Business Development and Tourism | 8 | .9% | New Department |

| Rank | Department or Category | Number of Complaints | Percentage of Total (Approx-imately) | Number of Complaints: Up From Last Year (+) Down From Last Year (-) |
|---|---|---|---|---|
| 17 | Manitoba Telephone System | 7 | .9% | - |
| 18 | Energy and Mines | 5 | .6% | + |
| | Labour | 5 | .6% | - |
| 19 | Civil Service Commission | 4 | .5% | + |
| | Municipal Affairs | 4 | .5% | - |
| 20 | Northern Affairs | 3 | .4% | + |
| | Consumer and Corporate Affairs | 3 | .4% | Same |
| 21 | Culture, Heritage and Recreation | 2 | .2% | + |
| | Government Services | 2 | .2% | - |
| | Industry, Trade and Technology | 2 | .2% | New Department |
| 22 | Civil Service Superannuation Board | 1 | .1% | + |
| | Environment and Workplace Safety and Health | 1 | .1% | - |
| | Worker Advisor Office | 1 | .1% | Included with Workers Compensation Board last year |
| 23 | Co-operative Development | 0 | 0% | Same |
| | Crown Investments | 0 | 0% | New Agency |
| | Manitoba Lotteries Foundation | 0 | 0% | - |
| | Provincial Auditor | 0 | 0% | Same |
| | Urban Affairs | 0 | 0% | Same |
| | | 807 | 100% | |

## Complaints by the Year

| Year | Written Complaints | Telephone Enquiries | Total of Written Complaints and Telephone Enquiries |
|---|---|---|---|
| 1970 | 333 | — | 333 |
| 1971 | 396 | — | 396 |
| 1972 | 487 | — | 487 |
| 1973 | 441 | — | 441 |
| 1974 | 641 | — | 641 |
| 1975 | 651 | — | 651 |
| 1976 | 596 | — | 596 |
| 1977 | 606 | — | 606 |
| 1978 | 543 | — | 543 |
| 1979 | 531 | — | 531 |
| 1980 | 510 | — | 510 |
| 1981 | 526 | — | 526 |
| 1982 | 551 | *348 | 899 |
| 1983 | 728 | 1,179 | 1,907 |
| 1984 | 807 | 1,275 | 2,082 |
| Totals | 8,347 | 2,802 | 11,149 |

*This number represents telephone enquiries from *September* 16, 1982, to *December* 30, 1982.

## Sources of Complaints

| | |
|---|---|
| Altona | 2 |
| Anola | 1 |
| Arborg | 1 |
| Baldur | 2 |
| Balmoral | 1 |
| Beaconia | 1 |
| Beausejour | 2 |
| Birds Hill | 1 |
| Birtle | 1 |
| Bloodvein River | 1 |
| Blumenort | 1 |
| Boissevain | 1 |
| Brandon | 46 |
| Carberry | 1 |
| Cardale | 1 |
| Carlowrie | 1 |
| Carman | 1 |
| Crane River | 1 |
| Dauphin | 8 |
| Elkhorn | 1 |
| Ethelbert | 1 |
| Fairford Reserve | 1 |
| Flin Flon | 2 |
| Garson | 1 |
| Gilbert Plains | 1 |
| Gillam | 1 |
| Gimli | 2 |
| Ginew | 1 |
| Glenella | 1 |
| God's Lake Narrows | 1 |
| Grunthal | 1 |
| Hartney | 3 |
| Headingley | 94 |
| Hodgson | 2 |
| Ile des Chenes | 1 |
| Ilford | 1 |
| Kelwood | 1 |
| Kenville | 1 |
| Koostatak | 1 |
| Lac du Bonnet | 8 |
| Lauder | 1 |
| Lockport | 1 |
| Lowe Farm | 1 |
| Lundar | 3 |
| Manigotagan | 1 |
| Margaret | 1 |
| McAuley | 2 |
| McCreary | 2 |
| Medora | 1 |
| Menisino | 1 |
| Miniota | 1 |
| Minitonas | 2 |
| Minnedosa | 2 |
| Minto | 1 |
| Moose Lake | 1 |
| Morden | 3 |
| Morris | 1 |
| Neepawa | 3 |
| Ninette | 1 |
| Notre Dame de Lourdes | 2 |
| Oak Lake | 1 |
| Pikwitonei | 1 |
| Pinawa | 1 |
| Pine Falls | 2 |
| Pointe du Bois | 1 |
| Portage la Prairie | 6 |
| Plumas | 1 |
| Riding Mountain | 2 |
| Rivers | 1 |
| Roblin | 1 |
| Rorketon | 1 |
| Rosa | 2 |
| Rosenort | 1 |
| Rossburn | 3 |
| Russell | 2 |
| St. Claude | 1 |
| St. Francois Xavier | 1 |
| St. George | 1 |
| St. Germain | 1 |
| St. Laurent | 2 |
| St. Malo | 2 |
| St. Pierre-Jolys | 2 |
| Ste. Anne des Chenese | 5 |
| Selkirk | 24 |
| Seven Sisters Falls | 1 |
| Shamattawa | 1 |
| Shilo | 1 |
| Snow Lake | 2 |
| Southport | 1 |
| Stead | 1 |
| Steinbach | 4 |
| Stonewall | 3 |
| Stoney Mountain | 1 |
| Swan River | 5 |
| The Pas | 7 |
| Thompson | 1 |
| Treherne | 3 |
| Virden | 3 |
| Vita | 1 |
| Wanipigow | 3 |
| Warren | 1 |
| Waskada | 1 |
| Wawanesa | 1 |
| Whitemouth | 1 |
| Winkler | 1 |
| Winnipeg | 434 |
| Winnipeg Beach | 1 |
| Winnipegosis | 1 |
| Subtotal | 775 |

| | |
|---|---|
| *Out of Province* | |
| Alberta | 8 |
| British Columbia | 6 |
| Ontario | 8 |
| Saskatchewan | 8 |
| Subtotal | 805 |
| *Out of Country* | |
| London, England | 1 |
| South Dakota, U.S.A. | 1 |
| Total | 807 |

# Selected Case Summaries

## 84-110-4 Manitoba Attorney General

### Provincial Judges Court

### Feels aggrieved by Crown's alleged failure to request restitution.

On April 17, 1983, a bicycle was stolen from our complainant's son while he was playing in Assiniboine Park. A juvenile was apprehended and charged with theft. The bike was recovered badly damaged. The parent wrote to the Clerk, Provincial Judges Court, Family Division, requesting restitution. A response was received, stating that there was no restitution ordered in this instance. While displeased with this, the matter was dropped. However, the parent became aware that our office might be able to assist him and he therefore wrote, requesting that we pursue the matter further.

My Assistant discussed the situation with the Senior Crown Attorney, Juvenile Court Prosecutions, following which further information was requested concerning any recourse our complainant may have in seeking restitution.

A report was received from the Senior Crown Attorney advising that the juvenile involved in the theft had not been tried. Apparently the matter was adjourned "sine die" (without date) before a plea was taken pursuant to Section 16 of The Juvenile Delinquents Act. This Section stated that:

> *"16 The court may postpone or adjourn the hearing of a charge of delinquency for such period or periods as the court may deem advisable, or may postpone or adjourn the hearing sine die."*

As The Ombudsman Act restricts the Ombudsman from investigating any order, decision or omission of a Court, our office was unable to assist in this matter.

We were advised by the Senior Crown Attorney that, after reviewing the file, the Crown did not intend to pursue this matter in the future. Accordingly, it appeared that the only recourse available to our complainant would be if he wished to conduct a private action in this matter. The Senior Crown Attorney advised that he would be prepared to assist our complainant if he wished to take further action by providing information relating to the juvenile, his address, etc.

Our complainant was advised of his recourse in this matter.

## 84-110-5 Manitoba Attorney General

### Confusion over release date from correctional institution.

A complaint had been received from an inmate incarcerated in the Headingley Correctional Institution, alleging confusion over his release date. He stated that he was sentenced in Court to six months on two charges and one month consecutive on a third charge, totalling seven months incarceration. A calculation of his release date, prepared by the Institution and provided to him, indicated a release date of March 30, 1984. Shortly thereafter, this inmate received a second calculation of release date indicating a revised release date of June 30, 1984.

Upon investigation, we were advised by the Institution that the inmate Transit Information Sheet, originally received when the inmate was admitted to the Institution, had indicated a sentence of seven months. Upon receipt of the formal Committal Warrant from the Provincial Judges Court, the sentence was recorded as six months on two charges and a further six months consecutive on the third charge. Whereas the inmate had indicated that the sentence which had been pronounced in the Courtroom in his presence was six months and one month consecutive, contact was initiated with the Provincial Judges Court who were asked to review the Judge's notations from the Court hearing to determine the sentence which had been pronounced. It became apparent, following this review, that an error had occurred. The Judge had, in fact, pronounced a sentence of six months plus one month consecutive, totalling seven months, rather than the total of 12 months as reflected in the Committal Warrant.

We received notification from the Clerk of the Provincial Judges Court that an amended Warrant, indicating the proper sentence, was forwarded to the Headingley Correctional Institution. Since this inmate's behavior in the Institution was such that he would have qualified for a prerelease one month before the termination of his sentence (which was approximately two weeks prior to the correction of the error), the Institution acted quickly to prepare the necessary documentation and to obtain the necessary approvals and signatures to permit the inmate to take advantage of at least a portion of the early release period to which he was entitled.

The Ombudsman commends the Headingley Correctional Institution for the action taken to facilitate our complainant's early release once the error had been brought to their attention and corrected by the Provincial Judges Court.

## 84-110-84 Manitoba Attorney General

### Difficulties re: motorcycle helmet law and its enforcement.

We received a complaint from an individual who indicated that the wearing of a motorcycle safety helmet caused severe pain to both sides of his head. He advised that he had received a ticket on one occasion for improper use of a safety helmet after he had moved the helmet to the back of his head to reduce the pain level.

Our complainant further advised that he had been examined by his physician and, as a result, was issued a certificate for a medical exemption from the wearing of a safety helmet. In spite of this certificate, he received a ticket for failing to wear a safety helmet. At the point at which he was requested to make a plea with respect to the ticket, he was advised that the certificate which he had obtained was not complete as it did not state a definite time period during which the exemption would apply. Following the receipt of this information, a new certificate was issued by his doctor which stated that our complainant would be unable to wear a helmet for an "indefinite" period of time. Our complainant received a further ticket in spite of this new certificate and was advised that the use of the word "indefinite" did not comply with the legislation.

At the time the complainant contacted our office, a trial date had been set for a hearing relating to one of the tickets which he had been issued. Inquiries were made with the Department of the Attorney General and we were informed that an exemption was contained in the legislation which states that the provisions of The Highway Traffic Act, regarding the use of motorcycle safety helmets, do not apply to:

> *"Persons that hold certificates signed by a qualified medical practitioner certifying that the person is, during the period stated in the certificate, unable for medical reasons to wear a safety helmet and on request made by a police officer produces the certificate."*

Reportedly, the difficulty in helmet regulation and medical certificates stems from medical certificates exempting a particular individual from wearing a helmet but not indicating a specific time period other than the use of the word "indefinite". We were informed that this has been interpreted in the past as not being suitable to serve the intent of the applicable legislation.

The Attorney General's Department indicated that it was expected that a new format for physicians would be put forth to avoid any discrepancy in the future. It was suggested that, in this new format, where a medical practitioner deems an indefinite period to apply it will come under the classification of "permanent".

With respect to the problems of our particular complainant regarding the tickets which had been issued and the trial date which had been set, a stay of proceedings was entered on the direction of the Crown Attorney's office.

## 84-150-41 Manitoba Community Services

### Headingley Correctional Institution

### Alleges false medical information being inappropriately given out about him.

We received a complaint from a former inmate at the Headingley Correctional Institution alleging that the Medical Department at the Headingley Correctional Institution had improperly released medical information without his authority.

The inmate in question had made application for a Temporary Absence Pass to attend a community council meeting in Winnipeg. Because of concerns felt by the administration of the Institution, the Medical Department was requested to provide information which would aid in the making of a decision with respect to this Pass. As a result, a memorandum was directed from the Medical Department to the Acting Superintendent of the Institution which stated in part:

> *"The above patient has been diagnosed as Personality Disorder with some paranoid ideation. Medication recommended has been refused by the patient."*

During our review, we learned that the medical records relating to inmates are not maintained with the inmate's Institutional file but are stored at the Institution in a separate location. The medical staff are the only individuals who have access to the inmate medical files. However, as it is not possible, nor necessarily advisable, in an Institution to keep an inmate's medical condition from those responsible for security, the policy is that information may be given *verbally* to the

Superintendent. The memorandum which had been written and provided to the Acting Superintendent was a contravention of this policy relating to the release of medication information. In this particular instance, the contravention was not the giving of the information but the fact that the information had been placed in written form.

Unfortunately, to further complicate matters, upon receipt of the memorandum in question, the Acting Superintendent provided a copy of the memorandum to the inmate's lawyer, who had been requested by the inmate to be present at a community council meeting. Reportedly, the Acting Superintendent felt that, as the lawyer was representing the inmate as legal counsel, it would be in order to provide a copy of the memordandum to him. While we could understand that sentiment, we were, however, of the opinion that this was not an appropriate procedure. The Department acknowledged that this action was inappropriate.

In addition, we found, during the course of our review, that the reference to medication having been recommended and refused by the inmate did not relate to any medication prescribed for a personality disorder. The medication related, we understand, to several relatively minor problems such as headache or stomachache.

As a result of this incident and the review conducted by the Department itself, the memorandum was removed from the inmate's file and destroyed. As well, the Medical Director was requested to review and update policies with respect to access and distribution of medical information. The Department also provided an apology to the inmate in question. In light of the specific resolution of the individual complaint and in light of the indication that policies were being reviewed and updated to adequately deal with the general issue of access and distribution of medical information, our file was closed showing this matter "resolved".

## 84-150-57 Manitoba Community Services
### Headingley Correctional Institution
### Unspecified problems at Correctional institution.

Our office received a request from an inmate at the Headingley Correctional Institution requesting a visit as soon as possible. The inmate did not specify his concerns in his letter, alleging that an institutional official was opening and going through all his mail. An Investigative Assistant was sent to the Institution and interviewed the inmate. It was learned that, apart from the concern about his mail being opened, this inmate had two complaints; the first concerned the writing and sending of letters by inmates, and the second concerned missing personal property.

Regarding the first concern, the inmate complained that many of his letters were not mailed by correctional authorities and he wanted our office to investigate this matter. My Investigative Assistant discussed this matter with the Assistant Superintendent of Custody. According to the latter, many of this inmate's letters were "junk mail"; i.e. letters to pen pals, dating letters, letters to "Real People", and various letters to be sent to the United States. The Assistant Superintendent advised that he did not dispose of such letters by throwing them in the garbage as was assumed by the inmate but, rather, kept them available on file. These letters were shown to my Investigative Assistant.

Investigation revealed that the Institution will pay for the cost of at least two personal letters per week sent by inmates to persons in Canada. The cost of mail in excess of this may have to be borne by the inmate. This limit does not include privileged mail; i.e. letters to churches, relatives, lawyers, members of the Legislative Assembly or Parliament, or the Ombudsman.

So far as the inmate's "excess letters" were concerned, the Assistant Superintendent agreed to mail them, provided that the inmate would be willing to pay for postage. This was explained to the inmate, along with the fact that our investigation did not support his concerns that his mail was being opened.

Regarding the second concern, i.e. the missing personal property, unfortunately no trace could be found of two articles, namely a leather jacket and a brown leather belt. This inmate had been arrested in Ontario on February 7, 1984 and then transferred to the Winnipeg Remand Centre on February 12, 1984, at which time he was asked to hand in all his belongings including the leather jacket and belt. Reportedly, he complied with this request. On February 20, 1984, he was transferred to the Headingley Correctional Institution.

Investigation disclosed that a "Property Statement" form, issued and duly signed by the inmate and institutional officials, clearly showed that, among other belongings, a leather-type jacket and one belt were received by two correctional officers at the Winnipeg Remand Centre. As soon as the inmate arrived at the Headingley Correctional Institution, their officials also had completed a "Property Statement" form, but no leather jacket

or belt were recorded on this official form. Upon our request, a thorough search was undertaken by Winnipeg Remand Centre officials, but neither the jacket nor the belt were found. As these two items could not be found, institutional officials suggested that the inmate put in an insurance claim. The officials also agreed to assist the inmate in this regard. The latter was informed accordingly and he was in full agreement with the officials' suggestions. He expressed his thanks for our assistance.

84-150-72
84-150-78
84-150-87

## Manitoba Community Services

### Winnipeg Remand Centre

### Lost personal property at Remand Centre.

A complaint, involving lost personal property, was received from an individual who had been incarcerated in the Winnipeg Remand Centre. We were advised that a number of articles of clothing which had been in a large duffle bag had been misplaced and were not available to the inmate at the time of his release from the Centre. The institution acknowledged that the property in question could not be located and, as a result, a claim was processed through the insurer for the Department, resulting in the inmate receiving compensation for his lost property.

A complaint was received from another inmate alleging that a new pair of jeans had been misplaced at the Winnipeg Remand Centre after he had sent them to be laundered by the institution. Following a review, the institution was satisfied that the jeans had indeed been misplaced and, as a result, the inmate received compensation for this lost article.

As a result of the two incidents mentioned above and several similar complaints, the Ombudsman, on his own initiative, referred the matter of lost property at the Remand Centre to the Assistant Deputy Minister of the Department, suggesting that a review be conducted with respect to the arrangements made for the storage and handling of personal property of inmates.

Subsequently, a Departmental review was undertaken and we were informed that procedures would be implemented with respect to storage of personal property. These procedures will utilize reusable cardboard boxes for the storage of articles which are not already in suitable containers. A separate property form will be completed upon the admission of the inmate and this form will record the contents and description of the items contained in the box. This form, signed by the inmate verifying its accuracy, will then be firmly attached to the exterior of the box. When an article of clothing is removed from the box, the inmate will be required to sign the form acknowledging his receipt of the article. In addition, the inmate will also be required to acknowledge, with his signature, that when he takes clothing into the cell area, the Remand Centre will not be responsible for the article. Upon release, the inmate will be required to verify the contents of the box against the articles listed on the form and, once verification is completed, the inmate will then be required to sign and receive the contents.

With respect to the issue of articles lost during laundering, a system has now been established whereby a laundry marking pen is now used by the inmate to place his name in an inconspicuous place on this clothing. Reportedly, this would then ensure that the proper articles of clothing were returned to their rightful owner after being laundered.

We were satisfied that the implementation of these procedures would assist in eliminating complaints from inmates relating to lost articles at the Winnipeg Remand Centre.

85-150-168

## Manitoba Community Services

### Headingley Correctional Institution

### Concerned about manner in which he was released from correctional facility.

A complaint was received from an individual who had previously been incarcerated in the Headingley Correctional Institution. We were advised that he was transported from the Headingley Correctional Institution to the Winnipeg Remand Centre for release. This release occurred at approximately 5:30 in the afternoon. At the time of his release, he indicated that he had been provided with a cheque which he could not cash as the banks were closed. Our complainant indicated that, as a result, although he had been released, he did not have any funds to arrange transportation to his destination of Flin Flon, Manitoba, and, as a result, he was required to stay overnight in a local Winnipeg hotel and, in addition, to purchase meals during his stay in Winnipeg.

We were informed, by the Headingley Correctional Institution, that the normal procedure upon release would be for the "Movement Desk" and

records office to inform the accounts office of an impending release in order that the duty office could be provided with monies and transportation arrangements to be provided to the inmate upon release. It was indicated that, in the case of a release after banking hours, the Institution should provide some cash in order that an inmate not be left without the ability to arrange transportation. Unfortunately, these normal procedures had not been followed in our complainant's case.

The Superintendent of the Institution felt that our complainant could legitimately claim meal and transportation costs from the Institution.

Having reviewed this complaint, it was our opinion that, as there was a regularly scheduled bus which left Winnipeg for Flin Flon at 7:45 each evening, had the inmate had cash to purchase a bus ticket, he would not have been required to expend funds to stay in a local hotel overnight. As a result of our review of this matter and the positive approach taken by the Superintendent of the Institution, our complainant was reimbursed for the costs of bus fare, meals and overnight accommodation.

## 83-200-7 Manitoba Education Certificate Review Committee Alleges denial of permanent teaching certificate.

This next case was opened in June, 1983. However, it was not brought to conclusion until 1984, following an extensive investigation by our office and review by the Department of Education.

This complaint was presented to our office by a young teacher who felt that his permanent teaching certificate had been unfairly denied by the Certificate Review Committee, Department of Education.

Our complainant reported that he had been teaching at a particular school since the fall of 1980. In May, 1982, his Principal had recommended him for permanent certification. Our complainant reported that he heard nothing further on this matter until he received a letter from the Teacher Certification and Records Branch, Department of Education, in June of 1982. At that time, he was informed that his permanent certification was not being recommended by his Superintendent. However, it had been recommended that his Provisional Professional Teaching Certificate be extended.

Our complainant advised that he then contacted the Teacher Certification and Records Branch as well as the Manitoba Teachers' Society. Based upon the information received, he decided to wait before appealing the decision regarding permanent certification.

In November of 1982, his Principal reportedly again recommended him for permanent certification. He was also subsequently notified by the Superintendent of his school division that he would be requesting that the Department of Education make his certificate permanent. However, on December 9, 1982, he was apparently informed by the Superintendent that he would not be sending in the permanent request. At that point in time, our complainant decided to appeal the 1981/82 denial of his permanent certificate. He appeared before the Certificate Review Committee on two occasions early in 1983.

The Certificate Review Committee ruled in favor of the Superintendent and recommended that our complainant's Provisional Professional Teaching Certificate remain valid until June of 1983. Our complainant was notified of this decision in March of 1983 when he received a letter from the Minister of Education. He was also advised that, in June, 1983, he might again request permanent certification from his Superintendent of Schools. However, our complainant advised that, shortly after receiving this letter, he had been notified by his Superintendent that his teaching contract would be terminated effective June 30, 1983.

Under date of May 31, 1983, our complainant received another letter from the Minister of Education in which he was further informed that, subsequent to a meeting which had been held by the Certificate Review Committee in May, 1983, his request for a permanent certificate had been reviewed and the recommendation was made to extend his Provisional Professional Teaching Certificate to June 30, 1984. He was again advised to submit an official request to the Superintendent of Schools prior to January 31, 1984, to allow him/her to forward a recommendation to the Department of Education no later than March 31, 1984. Our complainant did not find this too encouraging as he described himself as "a fired teacher" who, at the time, did not have a teaching position for the following year.

The complainant requested that our office investigate the denial of his permanent teaching certificate by the Certificate Review Committee. To summarize, the following areas of concern were identified:

1. The Superintendent of Schools had written a letter to the Teacher Certification and Records Branch recommending an extension, rather than a permanent certificate, in June, 1982.

*We noted that, under the Outline of Appeal Procedures (2), it stated that recommendations must be forwarded by the Superintendent during the month of March — not later than March 31st to the Director, Teacher Certification and Records.*

2. At the first appeal hearing which had been held, our complainant stated that he had only prepared for the denial of June, 1982. However, it had been reported that the Committee decided to admit everything up until December 12, 1982, when the appeal was requested. Our complainant questioned the appropriateness of this decision.

3. Our complainant reported that, during the reading of the correspondence at the beginning of the hearing, a copy of a letter he had previously written to the Minister of Education, was read. He questioned the propriety of this as he felt that the correspondence was not relevant to the hearing.

4. Our complainant reported that he was not informed of the meeting of the Certificate Review Committee held in May, 1983.

   *We noted that, under Section 5(14) of The Education Administration Act, where a teacher's certificate is to be reviewed, the teacher has a right to be notified of the time, date and place of the review to be held by the Review Committee and to be present and represented. We questioned whether this would not have applied to the meeting held on May 16, 1983.*

Clarification on these concerns was requested from the Department of Education and a report was received which addressed these points. Following receipt of the written response to the complaint, my Investigative Assistant continued the investigation through interviews and review of Departmental documentation which included copies of the minutes of the three meetings which had been held by the Certificate Review Committee.

Following our complete review of this matter, we had some serious concerns, particularly with respect to the convening of, and procedures followed, in the meeting of the Certificate Review Committee which had been held in May, 1983. We submitted a full report on our findings to the Minister of Education. In an attempt to ensure that the duty to be fair had been exercised, I recommended that future consideration be given to the matter of our complainant's permanent certification, either at the Ministerial level or through the establishment of a new, independent committee to conduct a clear and objective review of the situation.

It also came to our attention, during our review, that there were no regulations respecting the rules and procedures of the Certificate Review Committee. I questioned whether establishment of rules and procedures would assist in alleviating such concerns as had arisen in this particular case.

In response to our report and recommendations, the Minister of Education advised that she was in the process of establishing an independent committee to review the matter of our complainant's permanent certification, the fairness of the rules and procedures used by the Certificate Review Committee in its reviews, and to make recommendations to her on both of these issues.

An individual, with considerable experience in the field of education, was subsequently assigned to conduct the review. As a result of this individual's review, it was recommended that our complainant receive a permanent teaching certificate, dated June 30, 1983. Our complainant was issued this permanent teaching certificate in September, 1984.

In addition, recommendations were also made to the Minister with respect to the functioning of the Certificate Review Committee. The Minister advised me that officials in her Department were examining these recommendations.

I also obtained a copy of the report on this case which had been prepared for the Department of Education and it was my opinion that the person assigned had performed an excellent job. I also felt that the recommendations made appeared to be very appropriate and, if implemented, would be instrumental in preventing future occurrences of the kinds of difficulties which had been encountered in this particular case.

Our complainant was notified by the Department of Education that, in light of the investigation which had been done, the Certificate Review Committee was reviewing its policies and procedures. Although decisions had not been finalized, our complainant was advised that "the functioning of the Committee in the future would reflect an adherence to timelines, to conflict of interest guidelines and to just and fair procedures."

While the end result was a positive one for our complainant and the practical issue was resolved, and although we were able to secure an expression of regret for the stress caused, the entire experience related to the denial of his permanent teaching certificate was extremely disillusioning for this young man newly embarked in his chosen profession.

## 84-150-105 Manitoba Employment Services and Economic Security

### Economic Security Division

### Alleges inappropriate treatment by Departmental officials.

In June, 1984, a single parent of one child contacted our office to express her concern over what she believed to be rude and inappropriate treatment from her Economic Security counsellor. The rude and inappropriate treatment allegedly took place after our complainant discovered she had recently become pregnant. As she was receiving social assistance, she contacted her Economic Security counsellor to discuss her situation. Our complainant alleged that the counsellor accused her of planning the pregnancy, lectured her, and generally treated her in a demeaning fashion. She also reported that the counsellor had questioned her with respect to the identity of the father of the expected child. Our complainant did not feel that this was appropriate as she indicated that she was no longer involved in a relationship with him. Therefore, she was reluctant to provide any of the information. She reported that the counsellor was sarcastic to her and asked for other personal information which she did not believe to be relevant.

Our complainant was also concerned about her continued eligibility for social assistance. She indicated that her pregnancy was considered to be "high risk" and she was worried about the effect that any additional stress would have on her. She also expressed concern that she might be treated "even worse" by her worker because she had registered a complaint with our office.

Due to the seriousness of the concerns raised, this matter was referred to the Director of the Social Allowances Program. A report was subsequently received from the Director in which he advised that he had completed a file review at the Regional Economic Security Office and interviewed two of the staff members who had been involved with the complainant. We were assured that there was no reason for the client to be concerned as to whether or not the Program would support her baby. It was also reported that she had been provided with an additional pregnancy diet allowance, retroactive to June 1, 1984.

It was acknowledged that the complainant might interpret questions about child support as an implied threat that assistance might not be available. However, it was stressed that this was not the staff's intention. It was also pointed out that staff are required to obtain information about the natural parents and review the possibility of child support from these parents. As our complainant had been reluctant to identify the natural father of the expected child, it reportedly placed staff in a difficult position in terms of addressing this issue adequately.

Both of the staff persons had been questioned regarding their communications with the client, specifically around the allegations of rude and abusive treatment. Basically, the staff denied the allegations which had been made.

It is extremely difficult, under circumstances where it is one person's word against the other, to conclusively determine what has transpired during the course of a personal interview or conversation, the tone and content of comments made, and how they may be interpreted by either party. Nevertheless, we were informed by the Director that he took the opportunity to remind the staff to be careful to ensure that, during the normal processes of case inquiry, counselling and interpersonal reactions be conducted in as civil a manner as possible under the circumstances. The Director also felt that the overall review of the file indicated that the staff had been reasonable in handling such matters as an overpayment which had been incurred, special needs monies, etc. We were assured that the recent interactions with the counsellor and the resulting complaint to our office would not jeopardize the ongoing compassionate administration of this case.

My Investigation Assistant contacted our complainant and discussed the results of the information received at some length. As the case had been reviewed by the Department, the concerns had been brought to the attention of the counsellor, and we were assured that her benefits would continue and that her complaint would not jeopardize the future administration of the case, there did not appear to be anything further our office could do to assist our complainant. However, she was advised that, if she felt she was experiencing further problems or difficulties, she could recontact our office.

I received another letter from the complainant in the middle of September, 1984. In this correspondence, the complainant reported that her Economic Security counsellor was still rude to her and that she was unwilling to provide her with any additional supports or special considerations. Specifically, our complainant reported that she did not have any resources she could rely on to assist her in the care of her young child when she went into the hospital to give birth. She reported that her counsellor was not being co-operative in exploring the resources of a homemaker. She also

alleged that she had been advised that she could not utilize any of her special needs money for special purchases for the baby, until after the birth.

Our complainant had also placed herself in the unfortunate position where her rent was higher than that allowed for under the Social Allowances Program. Prior to her pregnancy, she had worked part-time and this money had enabled her to augment her income to cover the cost of the increased rent. With her pregnancy, she was no longer able to work to supplement her allowance. Also, an overpayment of approximately $27.00 was being deducted from her monthly budget. As a result, she was experiencing some serious financial difficulties in an effort to meet her financial commitments. One of the specific areas our complainant was having difficulty with was stretching her food budget to last the month. She also advised that she was involved with a Home Economist in the community. Our complainant reported that the Economist had also contacted the Social Allowances counsellor, on her behalf, to inquire as to whether or not consideration might be given to deferring the overpayment until after the birth of the baby. This possibility was raised in consideration of the financial problems our complainant was experiencing and out of concern that both the mother and the unborn child receive proper nutrition. Reportedly, this request was also refused.

Before proceeding with our investigation into the latest concerns, my Investigative Assistant made inquiries with the health professionals involved with our complainant. It was verified that there were some seious concerns as to whether or not the mother and unborn child were receiving the proper nutritional requirements due to her financial difficulties. It was also confirmed that attempts had been made to advocate on behalf of our complainant.

Following this, contact was once again made with the Director of the Social Allowances Program and the latest concerns were presented to him. We were subsequently advised that the Director of the Regional Office had reviewed the situation again and that the following action was to be taken:

1. As the baby was due in October, 1984, our complainant's rental allowance was to be increased to reflect the addition of a third member to the family unit, effective November 1, 1984. Also in consideration of all the circumstances, the amount of money allowed for the rent was increased.

2. Effective November 1, 1984, the laundry allowances would be increased to reflect the addition of a third member to the family unit.

3. Effective the date of the new child's arrival at home, our complainant's allowance for food, clothing and household supplies was also to be increased to reflect an additional dependent to the family unit.

4. Our complainant's counsellor was to arrange for appropriate homemaker services during our complainant's period of hospitalization.

5. The Program was to authorize issuance of up to $120.00 of our complainant's remaining special needs entitlement for 1984/85, immediately upon receiving a reasonable request for special needs related to the expected child; i.e. crib, layette, etc.

6. Effective November 1, 1984, the present overpayment deduction was to be reduced to ensure that unnecessary hardship was avoided.

Also, we had been advised that the counsellor had previously agreed to split the payment of the client's Social Allowances cheque in order to assist with some of the financial problems (i.e. her monthly cheque was divided into two payments).

Our complainant was contacted with the above information. She indicated that having the Social Allowances cheques split had assisted her to some extent already. She was quite pleased to hear of the consideration which had been granted by the Department and felt they were now being reasonable.

My Investigative Assistant followed up once again with our complainant in December of 1984, prior to concluding our file on this matter. Our complainant reported that she had given birth to a seven-pound, four-ounce baby girl. She reported that both she and the child were doing fine and that everything was working out extremely well with the Economic Security counsellor. She stated that she had not experienced any additional difficulties with the office and also reported that she now had a very positive working relationship with the counsellor.

In summary, my review of this matter led me to feel that possibly a rather rigid approach had been taken, by the Regional Economic Security Office, with respect to their dealings with the complainant. It was difficult to substantiate that the events which had occurred with our complainant were indicative of an "ongoing compassionate administration". Nevertheless, once this matter was brought to the Director's attention, I was satisfied that compassion was shown and appropriate action was taken to resolve our complainant's concerns. Upon concluding this case as

"resolved", I was particularly pleased to note that our complainant did not feel that she was suffering any adverse effects from complaining to our office, and that she felt she had a more positive working relationship with her Economic Security counsellor.

Occasionally, during the course of our review of complaints from the public, a Department may indicate to us their concern that the individual did not go directly to the head of the Department or the Director of an Agency, prior to coming to our office. In this particular situation, the Department did indicate that they considered it unfortunate that our complainant felt it necessary to express her concerns through our office. We were advised that the adjustments made in this case would have been made in any event through direct contact with the District Office responsible for the case. It was also pointed out that clients who have unresolved concerns, after communicating with their worker, should take these concerns to the District Director involved. It was reported that the Program is structured in such a way that the District Directors have considerable authority, over and above the limitations placed on staff workers, to make decisions which take into account the particular circumstances of individual clients.

I certainly support the philosophy that it is most desirable to have concerns resolved at the District or Departmental level. My staff do encourage individuals to utilize the existing avenues of appeal or review which may be available through any of the Provincial Government Departments or Agencies, prior to coming to our office. However, it has also been our experience that many individuals are not knowledgeable of existing resources or what avenues may be available to them.

I might also point out that, although complainants may first come directly to my office and we may initiate inquiries on their behalf, in the majority of cases such inquiries involve firstly contacting the Department involved in order to provide them with the opportunity to review the circumstances of the complaint. It would only be after we receive a report that, if we feel the concern has not been properly addressed or that we have not received all the information that we require for a complete understanding of the circumstances of the case, we would proceed to a more formalized investigation.

In a situation such as this, where the complainant has been to us once and the matter has been reviewed and reported on, I feel it is quite appropriate for a complainant to recontact us if he/she feels there are still additional concerns. This particular complainant had also advised us, in her second correspondence to our office, that she had tried to contact the Director of the Economic Security Office, but had been unsuccessful. I would also stress that I feel there is an onus on any public service employee to advise clients of the recourse which is available to them, and if the public servant feels he/she cannot accommodate a particular request, then he/she should facilitate processing the request to the appropriate authority on the client's behalf. Indeed, had the particular counsellor in this situation referred the requests which had been made by, or on behalf of, our complainant to her Director, then it would certainly appear that there may not have been any need for our office to have become involved a second time.

## 84-260-1 Manitoba Finance
## Retail Sales Tax Branch
## Problem re: refusal of sales tax rebate.

A complaint was received from an individual regarding the denial of a sales tax refund claim with respect to the sale and purchase of motor vehicles. We were informed that, during September of 1983, our complainant had sold a 1981 GMC half-ton truck for the sum of $7,000.00. Then in December of 1983, he purchased a 1983 Olds Cutlass at a cost of $13,000.00. The vendors of the Cutlass were interested in purchasing a 1979 Pontiac Parisienne owned by our complainant and therefore agreed to accept the vehicle as part-payment against the purchase price of the 1983 Olds Cutlass and valued the Pontiac at $4,700.00.

Our complainant was denied a sales tax refund due to the fact that he had traded in one vehicle and had sold the other vehicle in separate transactions. As a result, he was not allowed credit for the $7,000.00 sale price on the 1981 GMC half-ton truck, the net result being that the total tax payable was the sum of $498.00. Had our complainant sold both the 1981 GMC half-ton and the 1979 Pontiac Parisienne independently of the purchase of the Olds Cutlass, the combined value of the half-ton and Pontiac ($11,700.00) would have been eligible for a rebate thus reducing the total tax payable to the sum of $78.00. In the alternative, had our complainant traded in both the 1981 GMC half-ton and the 1979 Pontiac Parisienne on the purchase of the Olds Cutlass, he would have been allowed a reduction, based on the combined value of both vehicles ($11,700.00) and, once again, the total tax payable would have amounted to the sum of $78.00.

Two applicable provisions of The Retail Sales Tax Act relating to a sales tax refund are Sections 3(9) and 4(8). The first of these two Sections deals

with a situation where a vehicle is purchased and a second vehicle is traded in with the value being credited as part payment. The second Section deals with a situation where a vehicle is purchased and then a second vehicle is sold independently. In both of these situations, the purchaser of the vehicle is eligible for a reduction in the total amount of the tax payable. We were informed by the Director of the Retail Sales Tax Branch that neither of the two Sections limited the number of vehicles that could be applied to reduce the tax charged.

Due to the fact that our complainant had first sold one vehicle independently and then had traded in a second vehicle as part payment on the purchase of another vehicle, he could not, according to the legislation, be allowed credit for the vehicle sold independently, resulting in a loss of tax refund to our complainant of $420.00. Our complainant had purchased a vehicle and disposed of two vehicles within the proper time frame for purposes of a tax rebate. However, due to the particular method he utilized in disposing of his vehicles, as opposed to the two other possible methods, our complainant had placed himself in a disadvantaged position as far as a tax rebate was concerned.

From our review of the matter, we felt that the wording of the legislation allowed for an inequitable situation and, therefore, recommended that the legislation be reviewed with a view to correcting any potential inequities which could exist. In addition, we recommended that the Department consider exercising its discretionary power to grant a refund of $420.00 to our complainant.

As a result of our recommendations, our complainant was granted the additional tax rebate in the sum of $420.00. As well, we were advised that the Department would be reviewing the legislation to determine if any amendments should be proposed.

## 84-260-5 Manitoba Finance
### Retail Sales Tax Branch
### Refund of sales tax denied.

A young man from Manitoba purchased a vehicle in another Province. At the time of the purchase, he neglected to state that he would be registering the vehicle in Manitoba and the out-of-province dealership charged him the sales tax. When he brought the vehicle back to Manitoba, he was required to pay Manitoba sales tax at the time of registration. The family reported that they had attempted to have the out-of-province tax refunded but had been unsuccessful. They did not feel it was fair for them to have to pay the sales tax twice.

This matter was referred to the Retail Sales Tax Branch, Manitoba Department of Finance, for their consideration. I was subsequently advised that the Minister of Finance and his Cabinet colleagues had reviewed the sales tax matter and allowed a refund of the Manitoba retail sales tax by Order-in-Council, under The Financial Administration Act. A cheque was to be sent directly to our complainant.

Satisfactory resolution to a complaint does not always require formal recommendations being made by my office. This is an example of a case where the Department, during the process of its own review of the concern identified, came to what I consider to be a fair and reasonable resolution of the problem.

## 84-260-9 Manitoba Finance
### Mining and Use Taxes Branch
### Problem in obtaining a refund of tax collected in error.

A pensioner attended our office with a complaint which appeared to be against the Greater Winnipeg Gas Company. Apparently, the Gas Company had been including Provincial and City tax on her gas bill for 16 years on the assumption that she had a gas-fired hot water heater. In July of 1984, while comparing her gas bill with her neighbour's, she noticed that her bill was higher and did not understand why. She advised that she telephoned the Greater Winnipeg Gas Company and was told that the reason her bill was higher was because she had a gas-fired hot water heater and she was paying tax on it. When she informed the Gas Company that she did not have a gas-fired hot water heater, a serviceman was sent to her residence and this was confirmed.

Our complainant's account was credited $15.87, representing the Provincial tax and City tax collected in error from September, 1982 to September, 1984. While this pensioner was grateful for the refund, she felt that she should be reimbursed for all the taxes collected in error. Accordingly, she went to the Consumers' Bureau where the matter was reviewed.

The Consumer Services Officer handling the case wrote to the Assistant Director, Mining and Use Taxes Branch of the Manitoba Department of Finance, advising him of the situation. It was noted that the pensioner had received an adjustment on her gas bill for taxes going back two years but that she would like the adjustment of

taxes to go back to 1968. The Assistant Director was provided with a copy of a letter from the Manager, Customer Services Division, Winnipeg Hydro, advising that the pensioner was currently being, and has been billed, for a flat-rate water heater from the intitial date of occupancy in 1968. The Consumer Services Officer requested that the matter be reviewed.

The Assistant Director responded to the Consumer Services Officer by stating:

> *"In order to consider additional refunds of the provincial tax in prior periods, it would be necessary for (our complainant) to provide us with copies of her gas bills which reflect the amount of provincial tax charged in these earlier years, and an affidavit that the residence at (our complainant's address) contained no gas appliances, other than the furnance, in those years.*
>
> *The Statute of Limitations would of course limit any liability to a total period of six (6) years."*

The Consumer Services Officer wrote to our complainant advising that the Assistant Director of the Mining and Use Taxes Branch required copies of her gas bills to reflect the amount of Provincial tax charged in past years to consider additional refunds of the Provincial tax. Our complainant was also advised that she would have to provide the Department of Finance with an Affidavit stating that she did not have a gas-fired hot water heater in previous years. Our complainant was advised of the Statute of Limitations limiting liability to a total of six years. It was also pointed out that, if the refund went back to September, 1978, the total refund may only be $25.00, providing that she has her old gas bills.

When this pensioner attended at our office, she advised that she does not have her gas bills back to 1978. She was prepared to accept the fact that she may not be able to receive reimbursement back 16 years but she could not understand why she could not receive a refund back to 1978 as she felt the Gas Company would no doubt have the records. This pensioner pointed out that $25.00 may not seem like a lot of money to some people but to her, $25.00 was a lot of money.

My Assistant contacted the Department of Finance and was advised by the Assistant Director that he did not feel his Department could assist our complainant if she did not provide records of what she had, in fact, paid in tax. When my Assistant indicated that she did not have these records, the Assistant Director advised that it would cost too much to trace the records and an estimate could not be made as gas charges have changed so much over the years. My Assistant indicated that, if our complainant had paid Provincial sales tax mistakenly or improperly through no fault of her own, he did not feel that it was now her problem that it might be costly or time-consuming for the Department to resolve the problem. The Assistant Director pointed out that the problem could be partly our complainant's as she had been paying the tax for all those years without bringing it to anyone's attention. My Assistant indicated that he would be making inquiries with the Public Utilities Board and the Greater Winnipeg Gas Company to see what could be done for this pensioner.

My Assistant contacted the Associate Secretary of the Public Utilities Board to determine if the pensioner's complaint could be reviewed by the Board. The Associate Secretary seemed to understand the problem and seemed to accept the principle that our complainant should receive a refund if reasonably possible. He suggested that we bring the matter to the attention of the Manager, Customer Accounting for the Greater Winnipeg Gas Company.

My Assistant found the Greater Winnipeg Gas Company Manager to be very understanding and very co-operative. He advised that he would review the situation and inform our office of what could be done. Subsequently, my Assistant received a telephone call from the Manager who advised that it would be possible to refund the City tax collected in error back to 1978. He did not feel that he could go back beyond six years as the Statute of Limitations would prevent any adjustment beyond that date. He estimated the tax to be on the average of $0.19 a month, City tax, and $0.45 a month, Provincial tax. The Manager advised, however, that he could not reimburse our complainant for the Provincial tax paid without the approval from the Department of Finance. He noted that the Department of Finance had not provided the Gas Company with authority to make adjustments beyond two years back. My Assistant advised the Manager that he would discuss the matter with the Department of Finance.

My Assistant contacted the Mining and Use Taxes Branch and was advised that the Assistant Director was not prepared to make any refund without actual billings. My Assistant contacted the Assistant Director and, after some discussion, the Assistant Director agreed that a refund would be considered if he received something in writing from the Greater Winnipeg Gas Company giving the estimate of the overtax paid, and an Affidavit was provided from our complainant, stating that there has not been any gas appliances in her house for the past six years.

My Assistant prepared an Affidavit and attended at our complainant's home to have the Affidavit sworn. In addition, the Manager of Customer Accounting for the Greater Winnipeg Gas Company, on request, provided our office with his calculation of the additional tax charges for both the Province of Manitoba and the City of Winnipeg which were collected in error. The Manager noted that, "In the interests of expediting this matter and to be cost effective we have used an average monthly cost in our calculations." The total refund amounted to $30.72. This information, along with the Affidavit, was forwarded to the Department of Finance, following which we were advised that authorization had been given to credit the above customer's account for taxes charged in error during the period September 1, 1978 to August 31, 1982.

In reviewing this matter, it is noted that a considerable effort was made to obtain a refund for the pensioner of $30.72. While, at the outset, it appeared that the complaint was against the Greater Winnipeg Gas Company, the problem stemmed from what would appear to be oppressive requirements by the Department of Finance in this situation. Although our office has no jurisdiction over the Greater Winnipeg Gas Company, we found its co-operation and understanding to be commendable.

As far as the Department of Finance is concerned, our review indicated that the circumstances of this case were somewhat unusual and, although we experienced problems in resolving the matter, we do not feel the problems we encountered are typical of our dealings with that Department.

## 84-280-42 Manitoba Health

### Manitoba Health Services Commission

### Alleges wrong information was provided with respect to eligibility for benefits.

Our complaints moved to Manitoba from another Province in March, 1984. Shortly after their arrival, they made inquiries with respect to their eligibility for coverage under the Manitoba Health Plan. They reported that, at the time they filled out their Manitoba Health Services Commission Registration Form, they were informed that their coverage was immediate. They also advised that they were instructed to present their Registration Form in lieu of their official Manitoba Health Services Commission Registration Certificate.

Our complainants then made medical and eye appointments. They were subsequently advised by their doctors that the Manitoba Health Services Commission had not accepted the billings for the appointments. When inquiries were made, they were reportedly informed that coverage did not commmence until 90 days after the registration and that they would be responsible for any bills incurred prior to that time. Our complainants were very concerned and indicated that, had they received the proper information initially, they would not have made any medical appointments until after the date that their coverage became effective, on June 1, 1984.

I obtained a report from the Manitoba Health Services Commission on this matter. I was advised that the Registration Form had been completed at a Municipal Community Office and that such Community Offices are authorized by the Commission to register new residents for health benefits. The Health Services Commission had contacted the Community Office involved and they were advised that their staff do not advise registrants as to when coverage would be effective. It was reported that new residents are told to contact the Manitoba Health Services Commission at the telephone number listed on the Registration Form if they had any questions.

It was also pointed out that our complainants had received their official Manitoba Health Services Commission Registration Certificate during the first two weeks of April, 1984 and that the Registration Certificate clearly indicated that the effective date of coverage was June 1, 1984. The Commission also reported that they had reason to believe that the medical services were provided *after* our complainants had received their Registration Certificate.

Further inquiries were made with our complainants. It was confirmed that the Registration Certificate had been received shortly after they had completed their application and that it did show the effective date as being June 1, 1984. However, we were advised that they had not looked at the effective date when the Certificate had been received. With respect to the dates of the medical appointments, the first appointment had been towards the latter part of April. Our complainants could not recall specifically if the Registration Certificate had been received prior to the first appointment. The other three appointments were in the month of May, 1984, apparently after receipt of the Registration Certificate.

Based upon the information received, it appeared that, in all probability, only one of the medical appointments *may* have been attended prior to receipt of the Certificate. However, our complain-

ants remained adamant with respect to the information they had received from the Community Office. As a result, my Investigative Assistant attended at the Community Office to speak with the person who had actually taken the application. As some time had passed since the initial application had been taken, the Municipal Official had limited recollection of taking the application. He did not feel that it was likely that he would have advised our complainant to use the Registration Form in lieu of her official Certificate. However, he could not recall the details of what may or may not have been said.

My Investigative Assistant also inquired as to whether or not our complainant might have been given a brochure from the Health Services Commission relating to health care benefits and coverage. It was discovered that, in fact, the Community Office did not have a supply of such brochures.

From our review of this complaint, we were unable to confirm what information may have been supplied to our complainants upon their attendance at the Municipal Office. It also appeared that the official Certificate had been issued prior to the majority of, if not all, the medical appointments.

Although we felt that there certainly might be some question as to what information had been provided to our complainant, there also was some onus on the complainant to check her Registration Certificate at the time it was received. Had this been done, the complainant would have noticed that coverage was not effective until June 1, 1984. In consideration of all the facts, I did not feel that I had any grounds to make a recommendation that the Manitoba Health Services Commission should be held responsible for payment of the medical costs which had been incurred.

However, we did have further discussion with the Manitoba Health Services Commission regarding the lack of brochure information available at the Community Office. As well, we had also noted that the Registration Forms did not appear to include any information regarding the waiting period required before one becomes eligible for benefits. It was our opinion that, having such information included on the actual Registration Form would assist new registrants in having as much information available to them as possible regarding the effective date of coverage and hopefully avoid any similar misunderstanding in the future.

We were subsequently advised by the Commission that they had made arrangements to send out a supply of brochures to the Community Office and that they had also requested they be displayed in an area where persons visiting the office would have easy access to them. In addition, a new supply of Registration Forms were to include information regarding the effective date of benefits.

Although we were unable to specifically assit our complainants, we did feel that the Commission followed up appropriately and took some positive steps to reduce the risk of future misunderstandings for other new registrants.

## 84-280-54 Manitoba Health
## Selkirk Mental Health Centre
## Request to be allowed to keep kittens on mental health ward.

I received a letter which had been signed by the residents of one of the long-term wards at a local Mental Health Centre. The residents indicated that they had recently been the recipients of two female pet kittens. They had named the kittens Smokey and Bandit.

The residents advised that they derived a great amount of enjoyment from the kittens and they were a good souce of company and entertainment for them. They expressed their concern that they might not be allowed to keep their kittens and they requested assistance from our office. Attached to the covering letter were copies of individual letters which had been written by the residents and sent to the Chief Executive Officer and Medical Director of the Centre. Inquiries were made with the Centre on this matter in order to obtain additional information and clarification on the concerns presented by the residents. We were advised that the Chief Executive Officer had given the matter careful consideration. It appeared that, while a number of the staff were in support of the kittens taking up a permanent residency on the ward, this was not a unanimous decision. As well as taking into consideration staff opinions, it was reported that a review of available literature on similar programs seemed to support that some institutions do have pets come in on a visiting basis as opposed to a live-in situation. Inquiries had also been made with the Manitoba Health Services Commission regarding their guidelines in respect to pets.

After careful consideration of all the information, the Chief Executive Officer made the decision that it would not be possible to have the kittens actually live on the ward, however, he was prepared to consider proposals for a Visiting Pet Program. In that way, the kittens could come in

to visit on a scheduled basis; however, they would not be living on the ward permanently.

Although the letters from the residents clearly seemed to indicate that they had developed a real attachment for the kittens, I was unable to conclude that the Chief Executive Officer's decision in this matter could be considered clearly wrong or unreasonable. It was apparent to me that he had, in fact, given the matter serious consideration and attempted to achieve a compromise agreement to be fair to all concerned. Therefore, I had to notify the residents of the ward that I was unable to make any recommendations on their behalf.

I would also like to add that it is always a pleasure for me to see staff in institutions such as this take a personal interest in their residents and attempt to be creative in terms of their planning with them.

## 84-280-67 Manitoba Health
### Health Sciences Centre
### Alleged mistreatment by staff of patient in psychiatric facility.

Our office received a letter from a patient in the Health Sciences Centre, Psychiatric Ward, alleging that she had been mistreated by one of the staff of the ward. An Investigative Assistant was sent to the facility to interview the patient.

The patient identified, by name, an orderly who she alleged bruised and scratched her arm, pulled her hair, threw her to the floor, and generally manhandled her. In addition, it was alleged that the orderly called her a derogatory name on two occasions.

My Investigative Assistant interviewed the orderly who acknowledged calling the patient a "slut" during an incident where the patient was being forcibly removed to another location. The orderly noted that he had taken considerable verbal abuse from this patient and his emotions got the best of him. While the orderly denied that excessive force had been used, he indicated that the patient was out of control and some force was necessary.

Further investigations were made regarding the incident, following which a letter was sent to the Psychiatrist in Chief, Health Sciences Centre. We advised him of the complaint and of the results of our initial investigation into the matter. We noted that, as the allegations by the patient appeared to require a more thorough review, we felt that the matter should be referred to him, in his capacity of Medical Officer in charge of the Psychiatric facility, for appropriate action.

We requested that our office be advised of the outcome of the review. We also inquired whether there were any requirements that staff document the circumstances where force has been used and whether there are automatic reviews of these incidents by a higher level of authority.

Our office received a thorough report on this matter from the Assistant to the President of the Health Sciences Centre. It was evident that a comprehensive investigation had taken place resulting in the conclusion that a majority of the allegations appeared, on balance, to be unfounded. Nevertheless, our office was advised that there was some fault on the part of the Centre's employee and disciplinary action would be taken.

Our office was provided with the existing policies relating to this incident and we were advised that, as a result of this complaint, further procedures have been instituted to assist the Head Nurse in reviewing incidents daily.

We advised the patient of the outcome of the investigation into her complaint. The patient was satisfied with the results. The co-operation received from the Health Sciences Centre in this matter was appreciated.

## 84-280-86 Manitoba Health
### Selkirk Mental Health Centre
### Alleged money missing from personal account.

We received a letter of complaint from a patient at the Selkirk Mental Health Centre alleging that some money was missing from his personal account at the Centre. According to his calculations, he though that he should have more than a balance of $97.00 in his account because, by having been at the Centre for approximately two years and receiving Social Assistance payments in the amount of $24.80 for clothing and $21.10 for personal items on a monthly basis, his account balance should be well in excess of $97.00 when his withdrawals had only been approximately $300.00.

In the course of our investigation, we interviewed the complainant, reviewed all the financial transactions (the calculations of which were found to be correct) for the time period that our complainant was at the Centre, and discussed the matter with the financial manager.

It was noted that, in the case of our complainant who was receiving Social Assistance, the policy is that Social Assistance payments are suspended whenever the account balance exceeds $200.00.

This in itself limits the amount of savings that an individual can accumulate while at the Centre.

The Centre also has a procedure in place whereby a patient has to sign for all monies received. In those cases where an individual is unable to sign or appreciate the significance of affixing a signature, two staff members have to sign for the release of any funds. In our complainant's case, he had signed for all withdrawals of funds, and there was no evidence to suggest that anyone else had used his signature to obtain funds from his account in a fraudulent manner.

In concluding this case, we were satisfied with the present procedure in place for the managing of patients' personal accounts and that there was a reasonable explanation for why our complainant did not have more than $97.00 in his account.

## 84-290-7 Manitoba Highways and Transportation

### Motor Vehicle Branch

### Objects to assessment of demerit points.

Our office received a complaint from a woman who had been assessed two demerit points by the Registrar of Motor Vehicles for an incident in which she was involved.

According to our complainant, the other driver went through a red light and struck her vehicle. However, our complainant alleged that the other driver did not tell the truth in his statement and, as the circumstances were not clearly evident, the Registrar assessed two demerit points against her.

We were advised that the Manitoba Public Insurance Corporation assessed liability of 100% against the other driver. This was based on an independent witness statement and the fact that the other driver was charged with imprudent driving. Our complainant alleged that she contacted the Motor Vehicle Branch to advise the Branch of the situation and that she was informed that, if she could get a copy of the witness statement, the Branch would consider withdrawing the demerit points. Attempts to get a copy of the witness report from the Manitoba Public Insurance Corporation were unsuccessful. Accordingly, she contacted our office.

Inquiries were made with the Motor Vehicle Branch and there appeared to be some problem with the sharing of information between the Branch and the Manitoba Public Insurance Corporation.

Our office contacted the Corporation and obtained a copy of the voluntary witness report. The information received was shared with the Motor Vehicle Branch and we requested that the matter be reviewed and reconsideration be given to the assessment of the demerit points against our complainant.

We subsequently received a letter from the Motor Vehicle Branch advising that the demerit points, assessed against the driving record of our complainant as a result of the accident, had been removed. The matter was resolved as far as our complainant was concerned.

Nevertheless, our office will be reviewing the matter of information sharing between the Motor Vehicle Branch and the Manitoba Public Insurance Corporation, when time permits, to determine if situations like this can be avoided.

## 84-300-8 Manitoba Housing

### Office of the Rentalsman

### Concerned about decision of the Rentalsman.

Our complainant in this case was a landlord alleging that the Rentalsman, without having held a hearing in her case, had formed an opinion on the merits of the case. Whereas the case was to proceed through the Courts and the Rentalsman had recorded his opinion on the form which must be presented to the Court, the landlord felt the Rentalsman had attempted to influence the decision of the Court.

During our review, we determined that on January 13, 1984, the landlord had directed a letter to the Rentalsman advising that the tenant had vacated the apartment prior to the expiration of the lease and had made no effect to sublet. The landlord further advised that they had succeeded in re-renting the apartment for January 1, 1984 and suggested that the tenant was indebted in the sum of $430.00 for rent for the month of December, 1983. At this time, the landlord submitted the security deposit to the Rentalsman in the sum of $222.57.

As the amount of the landlord's claim exceeded the amount of the security deposit, the landlord took the position that it was necessary to proceed through the Courts to resolve the claim. As a result, the landlord executed a refusal to arbitrate form and provided this to the Rentalsman's Office.

The tenant, who had been provided with information regarding the landlord's claim, responded to the landlord's allegations by letter dated February 18, 1984 to the Rentalsman. It did not appear, from our review of the file, that the landlord was given an opportunity to respond to the allegations made by the tenant in that letter.

In a situation where the Rentalsman is unable to mediate or arbitrate a dispute respecting the disposition of a security deposit, he is required, pursuant to Section 87(5) of The Landlord and Tenant Act, to notify both the landlord and tenant in writing of his inability and the reasons for such inability. If the dispute is then to be pursued through the Courts, the Courts require production of this letter of notification at the time the landlord files a claim.

In this particular case, the letter issued to the landlord by the Rentalsman, pursuant to Section 87(5) of The Landlord and Tenant Act, stated the reasons for inability to mediate or arbitrate to be:

"1. Landlord's claim for rent loss due to default by the tenant is valid;

2. The tenant failed to properly complete subletting, *but the landlord became involved in that transaction and is partially responsible for the tenant's failure to complete subletting. The landlord's claim should therefore be reduced to one quarter the amount claimed*;

3. The landlord refuses arbitration and is fixed in claim position."

It was our position that only statement number three was a reason for inability to mediate or arbitrate and that statements one and two constituted an opinion of the Rentalsman as to the validity of the landlord's claim. This opinion was formed by the Rentalsman without having held a hearing and, in our opinion, without adequate information. We do not dispute the Rentalsman's right to form such opinions; however, we felt that it was inappropriate that such an opinion should be set out in the letter required pursuant to Section 87(5) of the Act in view of the fact that the landlord would be required to file this letter at the time of filing his claim in Court. We felt the Court should be free to arrive at its own assessment of the merits of the case without the benefit of an opinion based upon an incomplete review of the matter.

It was our view that Section 87(5) of The Landlord and Tenant Act required that the Rentalsman give only his reasons for failing to complete the mediation or arbitration and nothing more. In this case, we felt that the statements contained in the Rentalsman's letter could be perceived as an attempt to influence the Court decision and, in fact, the landlord stated that perception as a major part of the complaint to this office. From our review of Section 87(5) of the Act, we felt it was quite clear that the Act contemplated the Rentalsman giving reasons for failing to complete the mediation or arbitration but that this Section did not appear to contemplate the Rentalsman giving an opinion as to the validity of the claim or the amount by which the landlord should succeed. We felt it most inappropriate that the Rentalsman's opinion had been communicated in this form.

We were of the opinion that, where either a landlord or a tenant clearly indicates that they do not wish arbitration, they should be able to proceed through the alternate avenue, being the Courts, and have the matter treated objectively by that body without that body necessarily having been made aware of suggestions or opinions of the Rentalsman which resulted from a review of only a portion of the relevant information.

Following correspondence between the Office of the Rentalsman and my office and a meeting arranged between myself and members of the Rentalsman's Office, it was agreed that the notification to be issued under Section 87(5) of The Landlord and Tenant Act would be revised to comprise a single sheet representing the official notification to the Court that the Rentalsman had been unable to complete mediation or arbitration and would not include narrations, reasons or explanations. It was also agreed that the Rentalsman would set out, in a separate letter to both landlord and tenant, any information he felt obliged to provide with respect to his reasons for failing to complete the mediation or arbitration. In this way, the landlord or tenant will have the necessary documentation required to enable the filing of a claim in Court and there can be no suggestion that there has been any attempt to influence the decision of the Court.

## 84-300-10 Manitoba Housing Office of the Rentalsman Concerned about decision of Rentalsman.

A complaint was received from a landlord relating to the disbursement to the tenant by the Rentalsman's Office of a security deposit held in trust.

Section 87(5) of The Landlord and Tenant Act provides:

*"Duration of mediation or arbitration.*

*87(5) Where under this section a rentalsman mediates or arbitrates a dispute respecting the disposition of a security deposit and the interest thereon, and fails to complete the mediation or arbitration, as the case may be, he shall in writing forthwith notify the parties concerned of his inability to complete the mediation or arbitration together with his reasons for failing to complete the mediation or arbitration; and if within ten days from the date of receipt of the notification the landlord does not commence an action for the security deposit and interest held by the rentalsman, the rentalsman shall return the security deposit and interest to the tenant."*

Based on this provision, a letter dated August 17, 1983 was directed to the landlord by the Rentalsman's Office advising of the Rentalsman's inability to mediate or arbitrate the dispute and requiring that the landlord file a claim in Court on or before September 15, 1983. This letter also required that any request to be directed to the Rentalsman for assistance in locating the tenant was to be made in writing on or before September 15, 1983. Section 87(6) of The Landlord and Tenant Act provides the authority to the Rentalsman to assist a landlord in attempts to locate a former tenant.

On September 12, 1983, a letter from the landlord was directed to the Rentalsman requesting assistance in locating the whereabouts of the tenant. The file Enquiry Record of the Rentalsman disclosed that the letter from the landlord was received on Septembe 15, 1983. As a result, the landlord had clearly met the deadline imposed by the Rentalsman in the letter forwarded pursuant to Section 87(5) of the Act.

In spite of the landlord having clearly met the deadline, a notation appeared on the Rentalsman file Enquiry Record which stated:

*"Sept. 15/83 date of receipt of letter request help — too late — $ to tenant and close file. J.L."*

The landlord did not receive any communication at that time from the Rentalsman's Office relating to the former's request for assistance in locating the tenant. The next notation on the Rentalsman file is dated October 5, 1983, and states:

*"L/L fails to follow 87(5)."*

On November 2, 1983, the landlord received a copy of a letter dated November 1, 1983 directed to the tenant indicating that the security deposit was being returned to the tenant. A note to the landlord had been typed on the bottom of the copy of the letter the landlord received, which stated:

*"N.B. — Your request for the tenant's address reached our office too late to allow you to enter the Courts pursuant to the deadline date in the above-noted matter."*

This position ignored the fact that the deadline for requesting assistance was a deadline imposed by the Rentalsman and the landlord had, in fact, met that deadline.

Following receipt of a copy of the Rentalsman's correspondence, the landlord contacted the Rentalsman's Office to obtain an explanation. The reasons given to the landlord were confirmed in writing on the file Enquiry Record of the Rentalsman's Office. The reasons given for this action were:

1. The letter was received on September 15, 1983, *"but mail is not received until late afternoon and is processed the next day".*
2. *"There was nothing marked urgent on corr therefore they were too late to enter Court by deadline."*
3. *"They had plenty of time to contact Rentalsman's Office for address."*

In the course of our review, contact was made with the Canada Post Corporation to determine the time of mail delivery to the Rentalsman's Office. We were advised that 307 Kennedy Street is scheduled for morning delivery, the approximate time being between 10:00 a.m. and 11:00 a.m. We were advised, however, that if the weather was particularly bad (snow, heavy rain) the delivery could be delayed as late as 11:30 a.m.

We were of the opinion that the landlord was entitled to rely on the deadline contained in the letter sent pursuant to Section 87(5) of the Act and should not be prejudiced by the office procedures of the Rentalsman. We noted, in addition, that there was no requirement contained in the statute, nor in the letter sent pursuant to Section 87(5) of the Act, to the effect that a request for assistance be marked "urgent".

The landlord was ultimately able to proceed via the courts and obtained a Judgment against the tenant for the full amount of the claim. However, at the time of our review, the landlord had been unable to collect the funds due on the Judgment.

Based on our review, we felt that the landlord should have had access to the security deposit in the sum of $209.64 and, therefore, recommended that consideration be given to a payment to the landlord in the sum of $209.64, representing the amount of the security deposit which had been returned to the tenant. This was accepted by the Office of the Rentalsman and the landlord ultimately received a cheque representing the amount of the returned security deposit.

Under Section 87(5) of The Landlord and Tenant Act, an important point to note is that the landlord has *ten* days from the date of receipt of notification (of the Rentalsman's inability to complete mediation or arbitration) to commence an action for the security deposit. After that time period, if the landlord has not commenced an action, the Rentalsman shall return the security deposit and interest to the tenant. During our review of this particular case, we noted that it appeared that the Rentalsman had waived the ten-day period required under Section 87(5) of The Landlord and Tenant Act and had extended the time to a thirty-day period. Therefore, we reviewed the relevant sections of the Act. Based on our review, it was our opinion that the difficulties in this particular case had arisen primarily from the legislation and, in particular, Section 87(5) and Section 87(6) of The Landlord and Tenant Act.

Section 87(6) of The Landlord and Tenant Act provides that, where notification pursuant to Section 87(5) has been issued and the landlord is unaware of the present location of the tenant, he may apply in writing to the Rentalsman for assistance. This Section also provides that, if the Rentalsman is satisfied that the landlord has made a diligent attempt to determine the present whereabouts of the tenant and if the Rentalsman has knowledge of the present address of the tenant, he may provide that address to the landlord. This Section appears to specify that the attempt to locate the tenant, request assistance of the Rentalsman, obtain the address from the Rentalsman and file the documents in Court must all be accomplished within the ten-day period as set out in Section 87(5). It was our view that, allowing for the time period required by the Rentalsman to respond to a request for assistance, it was not possible for all of these actions to be completed within the statutory ten-day period.

It was also our opinion that there did not appear to be any statutory authority to allow the Rentalsman to waive the ten-day provision and to extend, for a landlord, the time period for filing a claim in Court. We were satisfied that, while the Rentalsman lacked the statutory authority to grant extensions, any extensions given were motivated by a sense of fairness. We did feel, however, that rather than a discretionary granting of extensions it would be more appropriate to seek a legislative change to Section 87(5) and Section 87(6) of the Act to arrive at a time period which was more realistic in view of the numerous actions which may be required by both the landlord and the Rentalsman to permit the landlord to file a claim in Court. In addition, we felt that a change to Section 87(6) may be necessary to provide a clear indication as to whether a landlord, who requires the assistance of the Rentalsman to locate the tenant, is to be provided an additional time period to complete the actions necessary to file the claim once the necessary information has been received from the Rentalsman.

We were informed by the Renntalsman's Office that our comments with respect to Section 87(5) and Section 87(6) also reflected the concerns of the Rentalsman. We were advised that the Rentalsman would be "proposing alternate wording to the Landlord and Tenant Act that should reflect the realities of the situation". We would hope that any such amendment to The Landlord and Tenant Act will provide for a realistic and reasonable time period given the number of actions which may be required prior to a Landlord filing a claim in Court.

## 84-300-30 Manitoba Housing
## The Winnipeg Regional Housing Authority
### Objects to being denied public housing based on an incident that happened three years ago.

A letter was received from a single parent with one child in which she expressed a concern that her application for family public housing had been denied. She had received a letter from the Housing Authority advising her that she did not qualify for the housing program at this time as the standards of management of her premises and lifestyle would not meet the required standards.

Our complainant expressed her concern over this matter as she believed it was primarily based on an incident which had occurred approximately three years previously, when she had formerly been living in a public housing unit. She did not feel that the incident warranted this decision and felt that she should be entitled to another opportunity.

Inquiries were made on this matter with the Housing Authority. The Housing Authority acknowledged that further investigation would have been warranted prior to cancellation of the application. The Housing Authority made arrangements for a representative from their office to go out and conduct a home visit with our complainant.

Upon completion of the Housing Authority's evaluation, our complainant's application for housing accommodation was approved. The Housing Authority also placed the application on file dated back to the time of the original application. Due to the high demand for housing units, it could not be determined exactly when a unit would become available for her, particularly as our complainant had restricted her area of choice. Nevertheless, our complainant was very pleased with the final determination made.

During the course of our inquiries, we became aware that the Housing Authority does have a committee established to consider appeals from individuals whose applications for housing have been denied. Apparently, applicants may be referred to this committee if they disagree with the decision made in respect of their applications.

This case was concluded as resolved.

## 84-300-43 Manitoba Housing

### The Winnipeg Regional Housing Authority

### Application for public housing refused.

A verteran, confined to his wheelchair, telephoned this office to complain that the Winnipeg Regional Housing Authority refused to consider his new application for public housing. He requested that someone from our office pay him a visit to discuss this matter.

An Investigative Assistant saw the complainant at his home. The complainant advised that, about two years ago, he was evicted from his apartment. He was accused by other tenants of hollering and swearing at passersby, ranting at welfare recipients while he was sitting in front of the building, and playing loud stereo music.

The complainant insisted that these complaints were exaggerated, but admitted that, in the past, his stereo music may have been a bit too loud occasionally. He also claimed that a number of his neighbours were persons with previous criminal records and, therefore, such accusations should not be taken too seriously. Usually, he explained, it was other people who made the noise and not he. For example, he stated that on one occasion one of his acquaintances and his common-law wife visited him and, after some time, his guest proceeded to beat his common-law wife quite severely. This resulted in much screaming and shouting, something our complainant did not want to happen but something for which he had to accept responsibility as it had happened in his home.

At the point he contacted our office, the complainant indicated that all he wanted was a second chance for public housing. He felt he had changed his life-style sufficiently to avoid the kinds of situations that had caused problems previously and, to prove to all concerned that he is seriously trying to avoid complaints about playing loud music, he is now using earphones.

We took this matter up with the Branch Manager of the Regional Housing Authority. The Branch Manager and his staff reviewed their file, completed a home visit and checked the complainant's current tenancy record. On the basis of this record and the favourable home visit, the complainant was offered a suite with the Winnipeg Regional Housing Authority. The complainant expressed his thanks for our assistance.

## 84-330-15 Manitoba Hydro

### Objects to request by Hydro to pay unbilled revenue tax.

We received a telephone call from an individual who advised that her Hydro bill showed an amount in arrears for sales tax which Manitoba Hydro had not included in the bill in previous years. Apparently the Corporation conducted an audit and found that they had been underbilling a number of clients for sales tax. The Corporation subsequently billed customers for the underbilled amounts.

Our complainant indicated that she had not paid the arrears and she had recently received a final notice for payment. She recalled an article in the newpaper which had indicated that backpayment for sales tax would not be collected and she wondered if our office had information on this. We advised our complainant that inquiries would be made.

The Manager of the Credit Department of Manitoba Hydro was contacted and we were advised that the Corporation had audited a number of customers who had not paid the proper sales tax. However, he noted that the Minister had made a policy decision whereby the Corporation will not try to collect back sales tax that is owing. Accordingly, he felt that our complainant's bill would be

adjusted, however, we were advised that he would look into the matter and confirm that an adjustment would be forthcoming.

Shortly thereafter, we were advised that the adjustment would be made. We advised our complainant that she was quite correct in that the Minister responsible for Manitoba Hydro had announced that back sales tax would not be collected. The matter was concluded.

## 84-350-49 The Manitoba Public Insurance Corporation

### Alleges claim was denied due to wrong information from an Autopac agent.

Our complainant sold a 1968 Chevrolet truck on July 14, 1984 and transferred the plates to his unregistered 1979 GMC truck. He alleges that he telephoned an Autopac agent prior to the sale of his truck and asked how many days he had to transfer the plates. According to our complainant, he was advised that he had seven days.

His 1979 truck had been parked at Fraserwood, Manitoba and, when bringing his truck back to Winnipeg on July 15, 1984, he was involved in a single vehicle accident resulting in the truck being considered a total loss. When he reported the accident to the Corporation, his claim was denied as the seven days only apply when the transfer is made to a newly acquired vehicle.

According to our complainant, he immediately telephoned nine or ten Autopac agencies after the accident and was initially given incorrect information. He acknowledged, however, that when he explained the situation the agents checked further and agreed with the denial of the claim.

Our complainant also inquired with an insurance agency, in writing. His letter stated:

> *"I owned two trucks in 1983, a 1968 Chev. and a 1979 GMC. In 1984 I parked the 1979 GMC and only registered the 1968 Chev. truck. I just sold my 1968 Chev. truck. Can I switch plates to my other 1979 GMC truck? How many days do I have to make the transfer?"*

Only an address was provided for the response. Subsequently, our complainant received a written response from the insurance agency stating:

> *"Please be advised that you have seven (7) days from the sale of your 1968 Chev truck to register the transfer of plates and insurance in any Autopac outlet. If seven days have already expired you will have to register the transfer before physically removing the plates to your 1979 GMC."*

Our office wrote to the Vice-President of the Manitoba Public Insurance Corporation indicating that we were aware of the Regulations under The Manitoba Public Insurance Corporation Act which indicate that insurance is valid for seven days on a *new* vehicle. However, as it would appear that our complainant had been receiving incorrect information from various agencies, we requested that consideration be given to the claim on the basis that the denial of coverage would appear to be harsh or inequitable. We also requested that we be advised of what steps would be taken to clarify this matter with Autopac agencies.

We received a letter from the Vice-President of the Corporation advising that our complainant's claim file was re-examined and a decision had been made to extend coverage for his loss on an ex gratia basis.

The Vice-President also expressed his concern that misleading information was provided to our complainant. He advised that one of the Corporation's Agency Field Representatives will be visiting the Autopac agency involved to discuss the problem and to ensure that the agency's staff is fully aware of the correct application of the Regulations. It was also noted that the Regulations governing the transfer of plates to a newly acquired vehicle will be emphasized in the next Autopac Services Bulletin, which is distributed regularly to all Autopac agents, and that all issues regarding transfers of licence plates from one vehicle to another will be thoroughly explained in training and information sessions which are held periodically with the Corporation's agents.

The way in which the Corporation handled this matter is consistent with the level of co-operation we have received over the years. We have found that, in various instances, valid concerns have been expressed to our office relating to the handling of Autopac claims. However, the Corporation's dealings with us have proven to be co-operative and productive in attempting to resolve these concerns.

## 84-350-52 The Manitoba Public Insurance Corporation

### Dispute resulting from the decision to repair an extensively damaged vehicle.

Our complainant's vehicle, a 1983 Volkswagen Rabbit, was extensively damaged in an accident on February 8, 1984. The vehicle mileage at the time of the accident was 12,370 kilometers or approximately 7,600 miles. The complainant felt that the vehicle was so severely damaged that it could not be repaired and a cash settlement was requested. However, the Corporation took the position that the vehicle could be repaired.

According to our complainant, she purchased the vehicle a year ago for $9,345.00 and she would have been looking for a cash settlement which would not have exceeded $7,600.00. However, the Corporation's initial estimate for repairs indicated that it would be less expensive to repair the vehicle than it would be to consider the vehicle a total loss; therefore, repairs were authorized.

On March 7, 1984, the repair firm reported that, except for some interior panelling, the car repairs were complete. When arriving to pick up the vehicle, the complainant observed an oil puddle under the motor, and a test drive also revealed that the manual gear shift could not be engaged into first gear. Our complainant refused to take the vehicle. The repair firm subsequently reported that the engine block was cracked and work had to be done on the front wheel bearing.

On March 23, 1984, our complainant was advised that the rear axle was bent. This work was approved by the Corporation on April 9, 1984.

On April 11, 1984, our complainant was told that the vehicle was ready to be picked up but with no front seat and it still required an alignment and a steering boot.

The repairs were eventually completed and, in July, the Corporation sent our complainant an automobile Proof of Loss to be signed. The Proof of Loss indicated the cost of repairs to be $7,160.82. The signing of the Proof of Loss appeared to bind the insured to an agreement that payments listed on the form would be full settlement and satisfaction of all loss and damage resulting from the accident.

Our complainant was not prepared to sign this form as she was still experiencing problems with the vehicle. In a letter to our office, the complainant advised that the windows leaked in the rain, oil dripped from the motor, and the gas tank could not be filled without the seepage of heavy gas fumes into the car's interior. Our complainant also became aware of the fact that the cracked block had been welded rather than replaced and this was a cause of concern.

In her letter, the complainant indicated that no one would consider buying the vehicle at the price it should otherwise be worth if she revealed the car's history and she could not compromise her integrity by remaining silent on the matter. The complainant did not want the car, nor the inconvenience that would result in the need to continue bringing the vehicle to repair firms for further repairs. The complainant advised that, on August 29, 1984, a proposal was made to the Claims Centre that the Corporation buy the vehicle for $7,600.00 but this proposal was rejected. Accordingly, an appeal was made to our office for assistance in the matter.

The situation was thoroughly reviewed. In addition, inquiries were made with a major Volkswagen dealer to determine if a cracked block, resulting from an accident, could be repaired by welding. When questioned as to the mileage and the year of the vehicle, we were advised that a new block would be recommended and that welding the block is not an appropriate method of repair. We were further advised that the vehicle would have to be inspected before being more conclusive but it was felt that, normally, cracked blocks are not repaired in this manner.

We wrote to the Vice-President of the Corporation, noting that the actual cash value of the repaired vehicle could be much less now than it would have been before the accident, providing of course that any potential buyer is fully aware of the extent of the recent repairs. It was acknowledged that the extent of the damage may not have been evident at the outset and therefore the Corportation's initial decision to repair may not have been unreasonable. However, as the complainant, through no fault of her own, would appear to have experienced a loss of resale value and may also suffer further inconvenience resulting from the need for further repairs to the vehicle, we requested further consideration with a view to purchasing the vehicle from the insured for what could be determined the actual cash value at the time of loss.

As a result of our inquiry, the insured's vehicle was thoroughly inspected by the Corporation's Manager of Customer Services and its Estimating Controller. It was noted that a majority of the body repairs appeared to have been properly completed; however, there were several minor items that would require further attention by the repair firm. The Corporation noted that the weld repair

to the lower portion of the block was of good quality and would likely not have presented any problem for the normal lifetime of the vehicle; however, it was felt that installing a new engine block would have been the proper method of repair. The Corporation concluded that if all of the damages, including those which were originally unforeseen, had been apparent at the outset, the vehicle would have been considered "a constructive total loss".

Accordingly, the Corporation approached our complainant and a settlement was reached whereby the Corporation took possession of the vehicle and our complainant received $7,600.00, plus Provincial Sales Tax. Our complainant was satisfied with this arrangement.

# Complete List of Complaints

Agriculture — 12

| | | |
|---|---|---|
| 84-100-1 | Objects to cancellation of Crown Lands lease | Not Supported |
| 84-100-2 | Objects to new policy of Crop Insurance Board | Not Supported |
| 84-100-3 | Alleges improper notice regarding repossession of tractor | Not Supported |
| 84-100-4 | Objecting to disallowance of claim under beef stabilization program | Pending |
| 84-100-5 | Dispute over Crop Insurance Claim | Discontinued (Client) |
| 84-100-6 | Problem re assessment of leased Crown land | Pending |
| 84-100-7 | Feels job reclassification is harassment by Department | Information Supplied |
| 84-100-8 | Application for Crown land rejected | Pending |
| 84-100-9 | Farmer denied stabilization subsidy because of missing deadline date | Pending |
| 84-100-10 | Dispute re Crop Insurance contract | Discontinued (Client) |
| 84-100-11 | Dispute over repairs required to combine | Discontinued (Client) |
| 84-100-12 | Concerns about the drought assistance program | Pending |

Attorney-General — 51

| | | |
|---|---|---|
| 84-110-1 | Alleges that the Human Rights Commission has contravened the Human Rights Act | Not Supported |
| 84-110-2 | Alleges Family Court inefficient in collecting child maintenance | Not Supported |
| 84-110-3 | Alleges inadequate reasons given for refusal of permit | Information Supplied |
| 84-110-4 | Alleges Crown failed to request restitution | Information Supplied |
| 84-110-5 | Confusion over release date from correctional institution | Resolved |
| 84-110-6 | Misunderstanding over involvement of the Public Trustee's Office in the affairs of woman's son | Information Supplied |
| 84-110-7 | Alleges mix-up by Manitoba Legal Aid caused him extra legal fees | Not Supported |
| 84-110-8 | Dissatisfied with Crown Attorney's decision not to prosecute | Information Supplied |
| 84-110-9 | Dissatisfied with the services received from the Public Trustee on behalf of his sister | Not Supported |
| 84-110-10 | Wants results of investigation into his complaint against the Public Trustee | Resolved |
| 84-110-11 | Dissatisfied with actions of Public Trustee's office | Declined |
| 84-110-12 | Concerns re maintenance enforcement program of Family Court | Information Supplied |
| 84-110-13 | Alleges that Public Trustee's action of hanging up telephone was inappropriate | Not Supported |
| 84-110-14 | Denied legal aid | Declined |
| 84-110-15 | Questions re outstanding charge of being unlawfully at large from prison | Resolved |
| 84-110-16 | Alleges Chief Medical Examiner not performing his duty | Not Supported |
| 84-110-17 | Alleges inability to get legal counsel for pending charges | Resolved |
| 84-110-18 | Unhappy with Legal Aid lawyer's opinion on case | Information Supplied |
| 84-110-19 | Denied legal aid counsel by Legal Aid | Information Supplied |
| 84-110-20 | Denial of Legal Aid assistance | Pending |
| 84-110-21 | Alleges Enforcement Section not fulfilling its duties | Not Supported |
| 84-110-22 | Denial of Legal Aid Certificate | Declined |
| 84-110-23 | Refused legal aid and alleges no response to his appeal of Legal Aid's decision | Assistance Rendered |
| 84-110-24 | Alleges improper handling of bail money | Information Supplied |
| 84-110-25 | Objects to procedure developed by court for payment of maintenance orders | Not Supported |
| 84-110-26 | Alleges insufficient reimbursement for services performed for Department | Discontinued (Client) |
| 84-110-27 | Delay in proceeding with case by Legal Aid Manitoba | Pending |
| 84-110-28 | Alleges improper investigation of jury influencing | Declined |
| 84-110-29 | Alleges inappropriate behaviour by Public Trustee | Not Supported |
| 84-110-30 | Feels that Legal Aid has acted unfairly | Information Supplied |

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|---|---|---|
| 84-110-31 | Alleged delay in investigating complaint | Information Supplied |
| 84-110-32 | Alleges improper information given by Land Titles Office | Information Supplied |
| 84-110-33 | Feels aggrieved by results of Human Rights Commission's investigation | Information Supplied |
| 84-110-34 | Brandon Correctional Institution inmate feels criminal charges should be dropped | Discontinued (Client) |
| 84-110-35 | Unable to obtain an explanation in French re the amount fined for speeding | Assistance Rendered |
| 84-110-36 | Concerns re enforcement of family law | Information Supplied |
| 84-110-37 | Doctor feels patient is entitled to criminal injuries compensation | Not Supported |
| 84-110-38 | Legal Aid refuses to pay for costs of bail action | Information Supplied |
| 84-110-39 | Error made re bail | Resolved |
| 84-110-40 | Concerned about Public Trustee's interest in his mother's estate | Not Supported |
| 84-110-41 | Unhappy with amount deducted from cheque for Public Trustee's services | Resolved |
| 84-110-42 | social assistance recipient unable to get legal aid | Information Supplied |
| 84-110-43 | Sundry allegations re failure of departmental staff to act on administrative matters | Not Supported |
| 84-110-44 | Alleges refusal of legal aid politically motivated | Declined |
| 84-110-45 | Alleges failure of courts to forward documents for court hearing and set date | Information Supplied |
| 84-110-46 | Alleges Public Trustee carrying on vendetta against him | Not Supported |
| 84-110-47 | Would like goods taken for evidence returned | Resolved |
| 84-110-48 | Difficulties re motorcycle helmet law and its enforcement | Resolved |
| 84-110-49 | Legal Aid refuses to pay for another bail hearing | Information Supplied |
| 84-110-50 | Alleges inappropriate treatment by civil servant | Assistant Rendered |
| 84-110-51 | Feels Department should assist in protecting him from harassment | Assistance Rendered |

Business Development and Tourism — 8

| | | |
|---|---|---|
| 84-120-1 | Alleges financial difficulties as result of advice from Department | Assistance Rendered |
| 84-120-2 | Alleges departmental business consultants caused him financial disaster | Resolved |
| 84-120-3 | Feels unfairly treated in job application because of criminal record | Pending |
| 84-120-4 | Feels Government's method of advertising caused her to miss opportunity to reserve camping lot through Dial-A-Site Program | Not Supported |
| 84-120-5 | Alleges departmental business consultants caused financial loss | Pending |
| 84-120-6 | Alleges unfair treatment by Department | Not Supported |
| 84-120-7 | Refusal to reinstate following expiration of suspension of one year | Pending |
| 84-120-8 | Unable to obtain licence to operate a campground and holiday resort | Not Supported |

Civil Service Commission — 4

| | | |
|---|---|---|
| 84-130-1 | Alleges irregularities in job competition and conditions of employment | Assistance Rendered |
| 84-130-2 | Refused access to information | Not Supported |
| 84-130-3 | Feels he is not being fairly considered for positions in Civil Service | Not Supported |
| 84-130-4 | Employer/employee problem re workload and classification | Declined |

Civil Service Superannuation Board — 1

| | | |
|---|---|---|
| 84-140-1 | Unable to obtain refund of superannuation payments | Resolved |

Community Services and Corrections — 187

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|---|---|---|
| 84-150-1 | Concerns of inmate in Winnipeg Remand Centre | Assistance Rendered |
| 84-150-2 | Headingley Correction Institution inmates allege harassment by correctional officers | Discontinued (Ombudsman) |
| 84-150-3 | Alleges harassment by correctional officer | Pending |
| 84-150-4 | Headingley Correctional Institution inmate alleges health hazard at correctional institution | Resolved |
| 84-150-5 | Father unable to obtain social assistance | Discontinued (Client) |
| 84-150-6 | Brandon Correctional Institution inmate alleges inappropriate treatment by guard | Not Supported |
| 84-150-7 | Headingley Correctional Institution inmate — temporary absence denied | Information Supplied |
| 84-150-8 | Headingley Correctional Institution inmate alleges promise of parole was made if certain conditions were met | Not Supported |
| 84-150-9 | Headingley Correctional Institution inmate alleges unfair treatment | Not Supported |
| 84-150-10 | Concerned about common-law husband not getting parole | Information Supplied |
| 84-150-11 | Headingley Correctional Institution inmate alleges overcrowded and inhumane conditions at correctional institution | Information Supplied |
| 84-150-12 | Alleges son being beaten up by another inmate | Resolved |
| 84-150-13 | Headingley Correctional Institution inmate alleges mail being kept from him without reason | Not Supported |
| 84-150-14 | Headingley Correctional Institution inmate alleges inappropriate location of inmates | Information Supplied |
| 84-150-15 | Alleges cruel and inhumane treatment at remand centre | Pending |
| 84-150-16 | Winnipeg Remand Centre inmate alleges unfit conditions at remand centre | Not Supported |
| 84-150-17 | Headingley Correctional Institution inmate objects to being placed in semi-segregation | Information Supplied |
| 84-150-18 | Headingley Correctional Institution inmate wants to be released from correctional institution | Information Supplied |
| 84-150-19 | Headingley Correctional Institution inmate alleges difficulty obtaining medical treatment | Not Supported |
| 84-150-20 | Headingley Correctional Institution inmate concerned about overcrowded conditions at institution | Information Supplied |
| 84-150-21 | Brandon Correctional Institution inmate want to transfer from one correctional facility to another | Information Supplied |
| 84-150-22 | Brandon Correctional Institution inmate alleges guards are treating him unfairly | Not Supported |
| 84-150-23 | Headingley Correctional Institution inmate alleges unfair treatment at correctional institution | Assistance Rendered |
| 84-150-24 | Headingley Correctional Institution inmates allege unfair treatment | Not Supported |
| 84-150-25 | Complaint of abuse in group home | Not Supported |
| 84-150-26 | Headingley Correctional Institution inmate alleges inappropriately denied temporary absence passes | Not Supported |
| 84-150-27 | Concerned about transfer from one institution to another | Pending |
| 84-150-28 | Winnipeg Remand Centre inmate — questions concerning bail | Discontinued (Ombudsman) |
| 84-150-29 | Winnipeg Remand Centre inmate alleges inappropriate conditions at remand centre | Not Supported |
| 84-150-30 | Brandon Correctional Institution inmate missing personal belongings | Not Supported |

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|---|---|---|
| 84-150-31 | Headingley Correctional Institution inmate objects to being made to clean dormitory late at night | Not Supported |
| 84-150-32 | Headingley Correctional Institution inmate objects to visitor being searched | Information Supplied |
| 84-150-33 | Dispensation of medication procedures and facility problems | Assistance Rendered |
| 84-150-34 | Concerns re social assistance | Not Supported |
| 84-150-35 | Headingley Correctional Institution inmates being denied telephone calls to Ombudsman's Office | Resolved |
| 84-150-36 | Winnipeg Remand Centre inmate objects to procedure of having to fill out request slips for use of telephone | Information Supplied |
| 84-150-38 | Complains of having segregated visits of girlfriend | Information Supplied |
| 84-150-39 | Winnipeg Remand Centre inmate alleges institution has misplaced his false tooth | Resolved |
| 84-150-40 | Concerned about overcrowded conditions in protective custody unit | Assistance Rendered |
| 84-150-41 | Alleges false medical information being inappropriately given out about him | Resolved |
| 84-150-42 | Denied temporary absence pass | Resolved |
| 84-150-43 | Unfair dismissal | Discontinued (Client) |
| 84-150-44 | Alleges youth centre resident abused by staff and denied privileges | Not Supported |
| 84-150-45 | Headingley Correctional Institution inmate seeking temporary absence pass | Information Supplied |
| 84-150-46 | Cheque allegedly eight days late | Declined |
| 84-150-47 | Headingley Correctional Institution inmate alleges personal property lost at Winnipeg Remand Centre | Not Supported |
| 84-150-48 | Winnipeg Remand Centre inmate alleges problems at remand centre | Not Supported |
| 84-150-49 | Request for information re comfort allowance for persons in psychiatric facilities | Information Supplied |
| 84-150-50 | Headingley Correctional Institution inmate complaining about inadequate dental treatment | Information Supplied |
| 84-150-51 | Brandon Correctional Institution inmate requires medical attention | Resolved |
| 84-150-52 | Headingley Correctional Institution inmate alleges improper management of canteen and kitchen at correctional facility | Discontinued (Client) |
| 84-150-53 | Headingley Correctional Institution inmate seeking transfer to another correctional institution | Information Supplied |
| 84-150-54 | Winnipeg Remand Centre inmate alleges guard acted unreasonably | Information Supplied |
| 84-150-55 | Son suspended from day care centre | Discontinued (Client) |
| 84-150-56 | Concerns over agency's procedures in adoption case | Pending |
| 84-150-57 | Headingley Correctional Institution inmate — unspecified problems at correctional institution | Assistance Rendered |
| 84-150-58 | Winnipeg Remand Centre inmate wants to be transferred to another correctional facility | Resolved |
| 84-150-59 | Winnipeg Remand Centre inmate alleges no response to request to see doctor | Not Supported |
| 84-150-60 | Headingley Correctional Institution inmate wants to be transferred to another correctional facility | Information Supplied |
| 84-150-61 | Winnipeg Remand Centre inmate expressing concern about remand centre | Information Supplied |
| 84-150-62 | Feels he should be released as only committed to stand trial on one of two charges | Declined |
| 84-150-64 | Headingley Correctional Institution inmate objects to conditions in correctional institution | Discontinued (Client) |
| 84-150-65 | Headingley Correctional Institution inmate alleges harassment by correctional officers | Assistance Rendered |

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| 84-150-66 | Headingley Correctional Institution inmate feels he should receive a community temporary absence pass | Information Supplied |
| 84-150-67 | Alleged inaction by children's aid society in apprehending children | Not Supported |
| 84-150-68 | Concerns about Respite Care Program and income security questions | Pending |
| 84-150-69 | Complaint re guard's conduct at the Winnipeg Remand Centre | Pending |
| 84-150-70 | Winnipeg Remand Centre inmate — wife not permitted to visit | Information Supplied |
| 84-150-71 | Winnipeg Remand Centre inmate objects to being classified as a high security risk | Not Supported |
| 84-150-72 | Calgary Remand Centre inmate — personal property lost in Property Department of Winnipeg Remand Centre | Resolved |
| 84-150-73 | Problem in obtaining information about her son who is an inmate in the Headingley Correctional Institution | Assistance Rendered |
| 84-150-74 | Headingley Correctional Institution inmates allege respirators not available for each dorm as reported in newspaper | Not Supported |
| 84-150-75 | Headingley Correctional Institution inmate seeking temporary absence pass | Not Supported |
| 84-150-76 | Winnipeg Remand Centre inmate concerned about conditions at remand centre | Resolved |
| 84-150-77 | Headingley Correctional Institution inmate alleges correctional institution discriminating against him | Not Supported |
| 84-150-78 | Winnipeg Remand Centre inmate — pair of new blue jeans lost by laundry at Winnipeg Remand Centre | Resolved |
| 84-150-79 | The Pas Correctional Institution inmate wants transfer from one correctional institution to another | Resolved |
| 84-150-80 | Headingley Correctional Institution inmate alleges harassment by guards | Assistance Rendered |
| 84-150-81 | Feels Department should reimburse him for job interview expenses | Not Supported |
| 84-150-82 | Alleges articles of clothing lost by Winnipeg Remand Centre | Resolved |
| 84-150-83 | Headingley Correctional Institution inmate feels he was placed in segregation without grounds | Information Supplied |
| 84-150-84 | Alleges loss of personal belongings when transferred from correctional facility | Pending |
| 84-150-85 | Alleges delay in obtaining social assistance has resulted in eviction notice | Resolved |
| 84-150-86 | Headingley Correctional Institution inmate alleges unfair treatment by guards | Discontinued (Ombudsman) |
| 84-150-87 | Winnipeg Remand Centre -- lost property complaints | Resolved |
| 84-150-88 | Alleges harassment by correctional officers at community release centre | Not Supported |
| 84-150-89 | Winnipeg Remand Centre inmate alleges unfair treatment by officials at remand centre | Not Supported |
| 84-150-90 | Headingley Correctional Institution inmate seeking help re rehabilitation after leaving correctional facility | Information Supplied |
| 84-150-91 | Portage Correctional Centre for Women inmate alleges unfair treatment re the matter of keeping personal property | Not Supported |
| 84-150-92 | Headingley Correctional Institution inmate alleges he is not getting appropriate medical treatment | Assistance Rendered |
| 84-150-93 | Feels Department decision to terminate social assistance is unfair | Information Supplied |
| 84-150-94 | Problem re access to information of adoption file | Information Supplied |
| 84-150-95 | Difficulty in tracing his natural parents | Assistance Rendered |

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| 84-150-96 | Headingley Correctional Institution inmate alleges he did not receive adequate reasons why he was placed in segregation | Not Supported |
| 84-150-97 | Problem re children's aid society | Discontinued (Ombudsman) |
| 84-150-98 | Headingley Correctional Institution inmate seeking weekend pass | Information Supplied |
| 84-150-99 | Concerned about son's treatment at correctional facility | Discontinued (Client) |
| 84-150-100 | Requesting interview re problems at correctional institution | Pending |
| 84-150-101 | Brandon Correctional Institution inmate seeking help re rehabilitation | Information Supplied |
| 84-150-102 | Headingley Correctional Institution inmate alleges he is not receiving sufficient medication/medical attention for his illnesses | Not Supported |
| 84-150-103 | Feels visiting privileges at Headingley Correction Institution were cancelled unfairly | Resolved |
| 84-150-104 | Difficulties involving "childhood education centre" | Pending |
| 84-150-105 | Alleges inappropriate treatment by departmental officials | Resolved |
| 84-150-106 | Complaint against intervention of social workers | Not Supported |
| 84-150-107 | Alleges delay in receiving assistance from children's aid society | Not Supported |
| 84-150-108 | Headingley Correctional Institution inmate — problem in obtaining a temporary absence | Resolved |
| 84-150-109 | Winnipeg Remand Centre inmates — complaint about attitude of staff and restriction of privileges | Not Supported |
| 84-150-110 | Headingley Correctional Institution inmate alleges he is not receiving mail sent to him | Not Supported |
| 84-150-111 | Headingley Correctional Institution inmate alleges cruel and inhumane treatment | Not Supported |
| 84-150-112 | Inmate alleges disciplinary action was act of retaliation; also opposes transfer to another correctional facility | Not Supported |
| 84-150-113 | Feels she is receiving insufficient social assistance | Assistance Rendered |
| 84-150-114 | Placed in segregation | Resolved |
| 84-150-115 | Headingley Correctional Institution inmate alleges his rights have been abused | Not Supported |
| 84-150-116 | Headingley Correctional Institution inmate alleges unjust treatment | Discontinued (Client) |
| 84-150-117 | Winnipeg Remand Centre inmate unhappy with disposition of institutional charge | Discontinued (Client) |
| 84-150-118 | Headingley Correctional Institution inmate wants early release from psychiatric unit of correctional facility | Not Supported |
| 84-150-119 | Alleged abuse by correctional officers | Pending |
| 84-150-120 | Alleges inappropriate treatment by correctional officer | Pending |
| 84-150-121 | Headingley Correctional Institution inmate alleges misconduct of staff members | Discontinued (Client) |
| f84-150-122 | Winnipeg Remand Centre inmate unable to obtain his clothing | Information Supplied |
| 84-150-123 | Headingley Correctional Institution inmate alleges unfair refusal of milk at meal time | Not Supported |
| 84-150-124 | Headingley Correctional Institution inmate wants clemency re prison sentence | Declined |
| 84-150-125 | Alleges improper actions by departmental officials | Discontinued (Client) |
| 84-150-126 | Brandon Correctional Institution inmate wants institution to pay for prescription eye glasses; also other miscellaneous complaints | Not Supported |
| 84-150-127 | Headingley Correctional Institution inmate — temporary absence pass denied | Not Supported |
| 84-150-128 | Headingley Correctional Institution inmate alleges he was placed in segregation without a reason | Information Supplied |
| 84-150-129 | Refused access to files | Discontinued (Client) |

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| 84-150-130 | Headingley Correctional Institution inmate disputes length of sentence | Declined |
| 84-150-131 | Headingley Correctional Institution inmate disputes length of sentence and other concerns | Assitance Rendered |
| 84-150-132 | Headingley Correctional Institution inmate wants interview | Discontinued (Client) |
| 84-150-133 | Headingley Correctional Institution inmate alleges harassment by correctional officers | Not Supported |
| 84-150-134 | Complaint against a social worker | Declined |
| 84-150-135 | Headingley Correctional Institution inmates transferred from program express concern about institutional records | Information Supplied |
| 84-150-136 | Alleges unfair treatment by children's aid society | Discontinued (Ombudsman) |
| 84-150-137 | Brandon Correctional Institution inmate not allowed to see eye doctor | Assistance Rendered |
| 84-150-138 | Headingley Correctional Institution inmate requires surgery and alleges institution insists it wait until after release | Not Supported |
| 84-150-139 | Temporary absence denied | Information Supplied |
| 84-150-140 | States error made in birth date on birth certificate | Not Supported |
| 84-150-141 | Disputes placement by children's aid society | Information Supplied |
| 84-150-142 | Residential care facility owner alleges unfair treatment by Department | Pending |
| 84-150-143 | Allegation re mistreatment by guards | Discontinued (Ombudsman) |
| 84-150-144 | Feels he is not getting proper medical treatment | Information Supplied |
| 84-150-145 | Brandon Correctional Institution inmate feels parole application lost or discarded by institution | Discontinued (Client) |
| 84-150-146 | Headingley Correctional Institution inmate feels he is being unfairly treated | Not Supported |
| 84-150-147 | Winnipeg Remand Centre inmate wants to know reason for transfer | Information Supplied |
| 84-150-148 | Alleges he was improperly considered to be unlawfully at large | Not Supported |
| 84-150-149 | Feels day care subsidy policy is unfair | Not Supported |
| 84-150-150 | Headingley Correctional Institution inmate alleges cruel and unusual treatment in protective custody unit | Discontinued (Client) |
| 84-150-151 | Brandon Correctional Institution inmate alleges inmates on work program from Headingley Correctional Institution being given confidential information about Brandon Correctional Institution inmates | Discontinued (Client) |
| 84-150-152 | Headingley Correctional Institution inmate feels that losing three days remission and phone privileges for two weeks is unfair punishment | Information Supplied |
| 84-150-153 | Headingley Correctional Institution inmate concerned because institution will not mail his letters | Information Supplied |
| 84-150-154 | Headingley Correctional Institution inmate feels he is being unjustly held in remand at Headingley Correctional Institution | Resolved |
| 84-150-155 | Concerned about government policy re adoption of Native children | Pending |
| 84-150-156 | Feels unjustly discriminated against in job competition | Pending |
| 84-150-157 | Wishes to discuss possible assault charges | Pending |
| 84-150-158 | Alleges inappropriate behaviour by Corrections officials | Assistance Rendered |
| 84-150-159 | Brandon Correctional Institution inmate alleges name calling by guard | Resolved |
| 84-150-160 | Alleged delay in investigating complaints against a day care facility | Pending |
| 84-150-161 | Headingley Correctional Institution inmate wishes to be deported to the United States to serve time | Resolved |

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| 84-150-162 | Headingley Correctional Institution inmate (juvenile) complaining of treatment | Assistance Rendered |
| 84-150-163 | Security measures re anonymous information | Resolved |
| 84-150-164 | Alleged refusal of diet prescribed by physician | Not Supported |
| 84-150-165 | Correctional officers not wearing identification tags | Resolved |
| 84-150-166 | Complaint with respect to the apprehension of her daughter | Not Supported |
| 84-150-167 | Concerns re placement of Native children | Assistance Rendered |
| 84-150-168 | Concerned about manner in which he was released from correctional facility | Resolved |
| 84-150-169 | Headingley Correctional Institution inmate alleges cruel and unusual punishment at correctional facility | Not Supported |
| 84-150-170 | Refused pre-release temporary absence | Not Supported |
| 84-150-171 | Alleges excessive use of force by guards | Pending |
| 84-150-172 | Feels youth inappropriately dealt with by child care system | Discontinued (Client) |
| 84-150-173 | Guard alleges he will be censored because of talking to the media | Discontinued (Client) |
| 84-150-174 | Concerned about the recording procedures of the Child Abuse Registry; feels his name may have been unjustly recorded | Not Supported |
| 84-150-175 | Alleged lack of follow-up regarding sexual abuse | Pending |
| 84-150-176 | Winnipeg Remand Centre inmate alleges inappropriate treatment at remand centre | Not Supported |
| 84-150-177 | Alleges inappropriate behaviour of staff towards residents | Resolved |
| 84-150-178 | Concern over conditions of remand centre | Information Supplied |
| 84-150-179 | Headingley Correctional Institution inmate alleges inappropriate conditions in cell block | Information Supplied |
| 84-150-180 | Alleges being unfairly accused of child abuse | Not Supported |
| 84-150-181 | Alleges children's aid society not working in best interest of her child | Resolved |
| 84-150-182 | Concerned with respect to agency's involvement in alleged child abuse case | Discontinued (Client) |
| 84-150-183 | Headingley Correctional Institution inmate threatened to be placed in segregation due to having had a haircut | Assistance Rendered |
| 84-150-184 | Concern over fairness of recording procedures by Child Abuse Registry | Pending |
| 84-150-185 | Headingley Correctional Institution inmate has concern re medical problem and transfer to Federal institution | Assistance Rendered |
| 84-150-186 | Concerned about program plans for him following release | Pending |
| 84-150-187 | Concern raised about actions of social worker | Resolved |
| 84-150-188 | Requesting investigation into the life and death of foster child | Pending |
| 84-150-189 | Feels denial of temporary absence pass is unfair | Pending |

Consumer & Corporate Affairs — 3

| | | |
|---|---|---|
| 84-160-1 | Alleges weak action on part of Consumer's Bureau in handling his complaint | Resolved |
| 84-160-2 | Alleges harassment by Consumer's Bureau | Not Supported |
| 84-160-3 | Feels Department is not doing all they can to assist | Resolved |

Co-operative Development — 0

(170)

Courts of Law — 11

| | | |
|---|---|---|
| 84-180-1 | Feels court should be obliged to use his proper name rather than his nickname on committal warrant | Not Supported |
| 84-180-2 | Alleges incompetence by courts | Declined |

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| 84-180-3 | Failed to receive notice of court hearing over child custody | Pending |
| 84-180-4 | Objecting to outcome of court case | Declined |
| 84-180-5 | Concerns re judicial systems; unable to obtain bail | Information Supplied |
| 84-180-6 | Unhappy with court proceedings | Declined |
| 84-180-7 | Dispute with court order | Declined |
| 84-180-8 | Feels Small Claims Court procedures unfair | Pending |
| 84-180-9 | Alleges unjust trial and conviction | Declined |
| 84-180-10 | Wants sentence time and charges from one jurisdiction transferred to another | Resolved |
| 84-180-11 | Alleging courts are kangaroo courts, lawyers are unfair and incompetent | Declined |

Crown Investments — 0

(190)

Culture, Heritage and Recreation — 2

| | | |
|---|---|---|
| 84-200-1 | Feels more translation work should be contracted out by the Provincial Government | Assistance Rendered |
| 84-200-2 | Alleges inappropriate treatment by officials; also allegedly unable to find out why he was unsuccessful in job competition | Not Supported |

Education — 14

| | | |
|---|---|---|
| 84-210-1 | Dissatisfied with classification of teaching certificate | Not Supported |
| 84-210-2 | Feels the Private Trade-Schools Act requires amending | Information Supplied |
| 84-210-3 | Unable to obtain an educational program for learning disabled son in Manitoba | Pending |
| 84-210-4 | Alleges violation of contract | Declined |
| 84-210-5 | Unhappy that bursary given to 17 year old son | Information Supplied |
| 84-210-6 | Alleges harassment by Student Aid Branch | Pending |
| 84-210-7 | Difficulty in obtaining bursary assistance to study translation | Information Supplied |
| 84-210-8 | Concerns re Student Aid Appeal Board procedures | Information Supplied |
| 84-210-9 | Feels his experience with internationally recognized curriculum should be acknowledged by Department | Information Supplied |
| 84-210-10 | Sabbatical leave unfairly withheld | Not Supported |
| 84-210-11 | Questions role of Department re funding provided to a child care centre | Pending |
| 84-210-12 | Alleged unjust dismissal by school division | Pending |
| 84-210-13 | Alleges unfair dismissal | Not Supported |
| 84-210-14 | Local school board alleges difficulties involving Provincial Department of Education | Discontinued (Client) |

Emplyment Services and Economic Security — 21

| | | |
|---|---|---|
| 84-220-1 | Assistance denied | Not Supported |
| 84-220-2 | Alleged misappropriation of grant | Not Supported |
| 84-220-3 | Alleged lack of communication by Income Security Office | Information Supplied |
| 84-220-4 | Alleges Department forcing him out of business by assisting others to compete with him | Not Supported |
| 84-220-5 | Unable to obtain financial assistance for granddaughter living in her home | Not Supported |
| 84-220-6 | Wants to know why he was not accepted for New Careers Program | Discontinued (Client) |
| 84-220-7 | Welfare cheque being withheld | Information Supplied |
| 84-220-8 | Feels he is receiving insufficient social assistance | Information Supplied |
| 84-220-9 | Dissatisfied with arrangement made for repayment of overpayment of social assistance | Declined |
| 84-220-10 | Contract employee alleges unfair reprimand | Pending |

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|---|---|---|
| 84-220-11 | Feels request for refund of overpayment unfair | Resolved |
| 84-220-12 | Alleges inappropriate treatment by Income Security officials | Not Supported |
| 84-220-13 | Alleges harassment by officials of Department | Not Supported |
| 84-220-14 | Social allowance recipient feels she is being unfairly treated | Not Supported |
| 84-220-15 | Assistance cheques being withheld | Pending |
| 84-220-16 | Objects to Department's attempt to recover social assistance overpayments | Declined |
| 84-220-17 | Problem re social allowance overpayment | Assistance Rendered |
| 84-220-18 | Unable to get financial assistance to pursue vocational courses | Pending |
| 84-220-19 | Request to move to particular building refused | Information Supplied |
| 84-220-20 | Department refused to grant funding for vacation | Information Supplied |
| 84-220-21 | Unable to get emergency assistance | Discontinued (Client) |

Energy and Mines — 5

| | | |
|---|---|---|
| 84-230-1 | Delay in action by Department regarding complaint under Cut Home Energy Costs program | Pending |
| 84-230-2 | Alleges inadequate delaings and conflict of interest by Board re Crown-owned minerals | Pending |
| 84-230-3 | Alleges inappropriate procedures by Surface Rights Board | Pending |
| 84-230-4 | Alleges inappropriate procedures by Surface Rights Board | Pending |
| 84-230-5 | Alleges inappropriate procedures by Surface Rights Board | Pending |

Environment and Workplace Safety and Health — 1

| | | |
|---|---|---|
| 84-240-1 | Sewage lagoon problem | Pending |

Federal Departments and Agencies — 17

| | | |
|---|---|---|
| 84-250-1 | Seeking information re Federal matter | Information Supplied |
| 84-250-2 | Problem re overpayment of Unemployment Insurance benefits | Assistance Rendered |
| 84-250-3 | Dispute re overpayment of Unemployment Insurance benefits | Assistance Rendered |
| 84-250-4 | Unable to collect Old Age Security | Information Supplied |
| 84-250-5 | Income Tax problem | Information Supplied |
| 84-250-6 | Difficulties re housing program sponsored by the — Canada Mortgage & Housing Corporation | Assistance Rendered |
| 84-250-7 | Concerns about the laying of charges by R.C.M.P. Officer | Information Supplied |
| 84-250-8 | Seeking information re guaranteed income supplement | Information Supplied |
| 84-250-9 | Mortgage problems resulting from aborted sale of property | Information Supplied |
| 84-250-10 | Income Tax dispute | Information Supplied |
| 84-250-11 | Refusal off work permit | Information Supplied |
| 84-250-12 | Refused additional Unemployment Insurance benefits | Assistance Rendered |
| 84-250-13 | Difficulties encountered in obtaining an extended Student Visa | Information Supplied |
| 84-250-14 | Income Tax problem | Information Supplied |
| 84-250-15 | Problem re Income Tax arrears | Assistance Rendered |
| 84-250-16 | Concern re R.C.M.P. not being subject to the Law Enforcement Review Act | Declined |
| 84-250-17 | Difficulties re housing program | Assistance Rendered |

Finance — 9

| | | |
|---|---|---|
| 84-260-1 | Problem re refund of sales tax rebate | Resolved |
| 84-260-2 | concerns about pensioner's school tax assistance program | Not Supported |

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|---|---|---|
| 84-260-3 | Feels he should obtain tax refund | Not Supported |
| 84-260-4 | Alleges harassment by compliance officers enforcing Gasoline Tax Act | Pending |
| 84-260-5 | Refund of sales tax denied | Resolved |
| 84-260-6 | Questioning fairness of government policy re payroll tax | Declined |
| 84-260-7 | British Columbia and Manitoba Sales Tax paid on vehicle purchased | Information Supplied |
| 84-260-8 | Questioning Department's request for the return of certain property | Information Supplied |
| 84-260-9 | Refund of tax which was collected in error | Resolved |
| Government Services — 2 | | |
| 84-270-1 | Funds owing by Department not paid | Information Supplied |
| 84-270-2 | Alleges negligence on part of elevator operators | Resolved |
| Health — 94 | | |
| 84-280-1 | Selkirk Mental Health Centre patient wants to be released from mental health centre | Discontinued (Ombudsman) |
| 84-280-2 | Request for interview from mental patient | Discontinued (Client) |
| 84-280-3 | Concerned over treatment in hospital | Information Supplied |
| 84-280-4 | Health Sciences Centre mental patient feels she is being detained against her will | Not Supported |
| 84-280-5 | Expressing concern about standards of care at hospital | Declined |
| 84-280-6 | Alleges breach of confidence | Not Supported |
| 84-280-7 | Grace General Hospital mental patient seeking review of status | Assistance Rendered |
| 84-280-8 | Selkirk Mental Health Centre mental patient concerned about status and treatment in mental health centre | Information Supplied |
| 84-280-9 | Brandon Mental Health Centre mental patient questioning patient status | Information Supplied |
| 84-280-10 | Wants son transferred from out-of-province psychiatric institution back to local facility | Resolved |
| 84-280-11 | Selkirk Mental Health Centre mental patient concerned about rules at mental health centre | Not Supported |
| 84-280-12 | Questioning rights re admission to and treatment at mental health facility | Information Supplied |
| 84-280-13 | Problems re benefits under health plan | Information Supplied |
| 84-280-14 | Concerns re daughter's care at psychiatric facility | Not Supported |
| 84-280-15 | Concerned over condition of wife, a patient at the Selkirk Mental Health Centre | Information Supplied |
| 84-280-16 | Health Sciences Centre mental patient feels he should be released from psychiatric ward | Information Supplied |
| 84-280-17 | Brandon Mental Health Centre mental patient — unspecified problem | Resolved |
| 84-280-18 | Brandon Mental Health Centre mental patient wants discharge or transfer to Ontario | Not Supported |
| 84-280-19 | Dispute over physician's claims | Not Supported |
| 84-280-20 | Alleges mental patient being held at Selkirk Mental Health Centre illegally | Not Supported |
| 84-280-21 | Alleges inappropriate service in provision of medical supplies for home care | Information Supplied |
| 84-280-22 | Unsatisfactory treatment by doctor | Not Supported |
| 84-280-23 | Concerned re suspension from employment | Resolved |
| 84-280-24 | Health Sciences Centre mental patient feels he does not belong in mental health centre | Information Supplied |
| 84-280-25 | Alleges friend improperly detained at a mental health centre | Declined |
| 84-280-26 | Selkirk Mental Health Centre patient feels he should be discharged from hospital | Information Supplied |

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| 84-280-27 | Feels waiting period for personal care home program should be shortened | Information Supplied |
| 84-280-28 | complaint re home care program | Information Supplied |
| 84-280-29 | Selkirk Mental Health Centre patient requesting an interview wants to be discharged from mental health centre | Not Supported |
| 84-280-30 | Seeking information re his rights and freedoms | Information Supplied |
| 84-280-31 | Alleges breach of confidence | Not Supported |
| 84-280-32 | Wishes to be discharged from mental health centre | Information Supplied |
| 84-280-33 | Selkirk Mental Health Centre patient alleges that doctor ignores him | Not Supported |
| 84-280-34 | Selkirk Mental Health Centre patient should be released | Not Supported |
| 84-280-35 | Feels he was committed to hospital against his will | Information Supplied |
| 84-280-36 | Selkirk Mental Health Centre patient seeking change in patient status | Not Supported |
| 84-280-37 | Feels wife is being detained inappropriately at a mental health facility | Information Supplied |
| 84-280-38 | Alleges not being paid for home care work | Resolved |
| 84-280-39 | Health Sciences Centre mental patient would like to be interviewed | Information Supplied |
| 84-280-40 | Wants to be released from psychiatric ward | Discontinued (Client) |
| 84-280-41 | Alleges improper treatment by government | Discontinued (Client) |
| 84-280-42 | Alleges wrong information provided re eligibility for coverage | Information Supplied |
| 84-280-43 | Feels he should not have been admitted to Health Sciences Centre Psychiatric Ward | Discontinued (Ombudsman) |
| 84-280-44 | Brandon Mental Health Centre patient alleges improper detention at mental health centre | Not Supported |
| 84-280-45 | Brandon Mental Health Centre patient wants to be discharged from hospital | Information Supplied |
| 84-280-46 | Selkirk Mental Health Centre patient wants to be released | Not Supported |
| 84-280-47 | Request for financial compensation to care for elderly husband denied | Information Supplied |
| 84-280-48 | No specific complaint | Declined |
| 84-280-50 | Health Sciences Centre patient feels he is being treated unfairly | Not Supported |
| 84-280-51 | Selkirk Mental Health Centre patient questions compulsory admission status | Not Supported |
| 84-280-52 | Wants to be changed to a different unit in mental health centre | Pending |
| 84-280-53 | Health Sciences Centre mental patient wants to be released from psychiatric ward | Information Supplied |
| 84-280-54 | Selkirk Mental Health Centre patient wants to be allowed to keep kittens on mental health ward | Assistance Rendered |
| 84-280-55 | Feels she was mistakenly placed in psychiatric ward | Not Supported |
| 84-280-56 | Health Sciences Centre mental patient wants to know if care in all hospitals is covered by Medicare | Information Supplied |
| 84-280-57 | Requesting transfer of a relative from an institution in Ontario | Information Supplied |
| 84-280-58 | Feels she has been unjustly committed to mental health centre by doctor | Not Supported |
| 84-280-59 | Selkirk Mental Health Centre patient — several concerns relating to his hospitalization at a mental health centre | Not Supported |
| 84-280-60 | In Health Sciences Centre on a threat of a warrant — unhappy with prescribed diet and wants to be released | Information Supplied |
| 84-280-61 | Selkirk Mental Health Centre patient questions compulsory admission status | Not Supported |

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| 84-280-62 | Selkirk Mental Health Centre patient concerned over various matters — meals, shock treatments, physical illness, etc. | Assistance Rendered |
| 84-280-63 | Patient concerned over medication being given to him | Information Supplied |
| 84-280-64 | Incoherent statement from patient in mental health centre — Selkirk Mental Health Centre | Declined |
| 84-280-65 | Feels she should not have been admitted to mental health centre | Not Supported |
| 84-280-66 | Alleges harassment by health inspector | Resolved |
| 84-280-67 | Health Sciences Centre mental patient alleges mistreatment by staff of mental health unit | Resolved |
| 84-280-68 | Feels he has been treated unfairly by being banned from drop-in centre | Not Supported |
| 84-280-69 | Client alleges worker is conducting psychological experiment on him | Discontinued (Ombudsman) |
| 84-280-70 | Problems related to employment with Continuing Care Office | Information Supplied |
| 84-280-71 | Mother wonders whether daughter is receiving proper care | Assistance Rendered |
| 84-280-72 | Mental patient wants to be released | Not Supported |
| 84-280-73 | Wishes to be transferred to Ontario institution | Not Supported |
| 84-280-74 | Wants to be discharged from mental institution | Not Supported |
| 84-280-75 | Individual reportedly refused help by mental health centre | Pending |
| 84-280-76 | Seeking review of the nursing care provided in mental health centre | Pending |
| 84-280-77 | Questioning amount allowed under Manitoba Health Services Commission eyeglasses program coverage | Not Supported |
| 84-280-78 | Health Sciences Centre mental patient feels he is being kept in psychiatric facility against his will | Information Supplied |
| 84-280-79 | Alleges unfair dismissal from employment with continuing care program | Not Supported |
| 84-280-80 | Alleges that employer did not live up to agreement to provide adequate accommodations | Pending |
| 84-280-81 | Feels he was unjustly placed on psychiatric ward | Not Supported |
| 84-280-82 | Brandon Mental Health Centre patient requests assistance re enquiry into patient's status | Assistance Rendered |
| 84-280-83 | Alleges health inspector entered his premises without permission | Not Supported |
| 84-280-84 | Health Sciences Centre mental patient feels he should be discharged from mental health centre | Information Supplied |
| 84-280-85 | Selkirk Mental Health Centre patient alleges he is being forced to eat when he wants to fast | Assistance Rendered |
| 84-280-86 | Alleges money missing from his account | Not Supported |
| 84-280-87 | Wants to be released and concern over lack of treatment and contact with her physician — Selkirk Mental Health Centre patient | Not Supported |
| 84-280-88 | Alleges he is not allowed to smoke and disagrees with his committal | Not Supported |
| 84-280-89 | Health Sciences Centre mental patient wants discharge from psychiatric unit | Information Supplied |
| 84-280-90 | Departmental policy reportedly does not allow qualified homemaker to be paid for providing service to her brother | Pending |
| 84-280-91 | Alleged inaction in investigating complaints against a day care facility | Pending |
| 84-280-92 | Alleges unfairly committed to mental health centre | Not Supported |
| 84-280-93 | Health Sciences Centre mental patient wants to be discharged from psychiatric facility | Information Supplied |

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| 84-280-94 | Communication problem re transfer of patient from one psychiatric facility to another | Assistance Rendered |
| 84-289-95 | Alleges homemaker not fulfilling responsibilities | Not Supported |

Highways and Transportation — 20

| | | |
|---|---|---|
| 84-290-1 | Unable to obtain Driver's Licence | Not Supported |
| 84-290-2 | Alleges unfair treatment by Motor Vehicle Branch | Discontinued (Client) |
| 84-290-3 | Disputes demerit points and surcharge on licence | Not Supported |
| 84-290-4 | Difficulties obtaining Manitoba Driver's Licence | Resolved |
| 84-290-5 | Driver's Licence rescinded | Assistance Rendered |
| 84-290-6 | Feels assessment of demerit points too high | Declined |
| 84-290-7 | Disputes the assessment of demerit points on her Driver's Licence | Resolved |
| 84-290-8 | Feels Department should be responsible for costs incurred due to allergic condition brought on by road construction | Not Supported |
| 84-290-9 | Alleges Department caused damage to well | Pending |
| 84-290-10 | Concern over lack of procedure for the appropriate sharing of information | Pending |
| 84-290-11 | Complaint against road conditions between Snow Lake and The Pas | Information Supplied |
| 84-290-12 | Seeking clarification re mix-up over Driver's Licence | Discontinued (Client) |
| 84-290-13 | Objects to suspension of his Driver's Licence | Not Supported |
| 84-290-14 | Ordered to remove taxicab from road, pending repairs | Resolved |
| 84-290-15 | Problem involving suspension of Driver's Licence | Pending |
| 84-290-16 | Disputes suspension of husband's Driver's Licence | Information Supplied |
| 84-290-17 | Unable to obtain permission to have driveway off public highway | Pending |
| 84-290-18 | Seeking clarification re driving record | Information Supplied |
| 84-290-19 | Unable to obtain validation sticker for 1985/86 insurance year in advance | Information Supplied |
| 84-290-20 | Failure of Department to notify neighbouring province re payment of fine by driver | Information Supplied |

Housing — 49

| | | |
|---|---|---|
| 84-300-1 | Delays in receipt of monies awarded by court and delay in decision on arbitration | Pending |
| 84-300-2 | Landlord/tenant dispute | Not Supported |
| 84-300-3 | Alleges inappropriate treatment by Rentalsman's Office | Assistance Rendered |
| 84-300-4 | Alleges improper advice given in matter of rent increase application | Resolved |
| 84-300-5 | Feels Rent Regulation Officer should give reasons for allowing increase above guidelines | Information Supplied |
| 84-300-6 | Denial of application for Critical Home Repair Program | Resolved |
| 84-300-7 | Problem re time of arbitration hearing | Resolved |
| 84-300-8 | Concerned about decision of Rentalsman | Resolved |
| 84-300-9 | Concerned about decision of Rentalsman | Pending |
| 84-300-10 | Concerned about decision of Rentalsman | Resolved |
| 84-300-11 | Concerned about tendering procedures | Information Supplied |
| 84-300-12 | Objects to rental increases | Information Supplied |
| 84-300-13 | Alleges Rentalsman's Office overstepped jurisdiction | Not Supported |
| 84-300-14 | Feels her position with the Manitoba Housing and Renewal Corporation is under-classified | Pending |
| 84-300-15 | Delay in resolving security deposit dispute | Information Supplied |
| 84-300-16 | Difficulty in obtaining public housing unit | Information Supplied |
| 84-300-17 | Problem re rent increase | Information Supplied |
| 84-300-18 | Delay in the provision of a plan number for building lot under the Manitoba Housing and Renewal Corporation Lands Lease Program | Discontinued (Client) |

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| 84-300-19 | Alleges that undue delay by Department has caused problems in the processing of application for grant | Assistance Rendered |
| 84-300-20 | Concerns re delay in obtaining accommodation | Information Supplied |
| 84-300-21 | Alleges house built under Infill Program not built to proper standards | Resolved |
| 84-300-22 | Alleges bureau misled him re rent increase | Discontinued (Client) |
| 84-300-23 | Handling of security deposit dispute | Not Supported |
| 84-300-24 | Disputes arbitration decision of Rentalsman | Pending |
| 84-300-25 | Decision of Rent Regulation Bureau | Not Supported |
| 84-300-26 | Alleged untruth told by Rentalsman Officer | Discontinued (Ombudsman) |
| 84-300-27 | Question re arbitration procedures | Information Supplied |
| 84-300-28 | Feels rent assessment is unfair | Pending |
| 84-300-29 | Dispute over claim for damages to apartment | Pending |
| 84-300-30 | Objects to being denied public housing based on an incident that happened three years ago | Resolved |
| 84-300-31 | Concerned about handling of case by Rentalsman's Office | Declined |
| 84-300-32 | Security deposit dispute | Not Supported |
| 84-300-33 | Alleged harassment by the Office of the Rentalsman | Resolved |
| 84-300-34 | Housing complex without a permanent caretaker | Information Supplied |
| 84-300-35 | Alleges unfair treatment by Rentalsman's Office | Not Supported |
| 84-300-36 | Alleges unnecessary delay by Rentalsman | Not Supported |
| 84-300-37 | Alleges undue delay by Rentalsman | Discontinued (Client) |
| 84-300-38 | Alleges undue delay by Rentalsman | Discontinued (Client) |
| 84-300-39 | Alleges inappropriate holding of security deposit by Rentalsman | Pending |
| 84-300-40 | Questioning rollback of rent increases | Information Supplied |
| 84-300-41 | complainant unwilling to deal directly with Rentalsman's Office re plumbing problem and security deposit matter | Resolved |
| 84-300-42 | Delay in receiving return of security deposit | Information Supplied |
| 84-300-43 | Application for public housing refused | Resolved |
| 84-300-44 | Dissatisfied with action taken by Rentalsman's Office re security deposit | Pending |
| 84-300-45 | Problem re increase in rent | Information Supplied |
| 84-300-47 | Concerned about length of time involved for Rentalsman's Office to handle complaint | Information Supplied |
| 84-300-48 | Concerns re increase in rent in Elderly and Infirm Persons housing unit | Pending |
| 84-300-49 | Alleges delay in changing locks | Information Supplied |
| 84-300-50 | Questions cost of repairs itemized under housing program | Information Supplied |

Industry, Trade and Technology — 2

| | | |
|---|---|---|
| 84-310-1 | Alleges unfair denial of grant assistance | Not Supported |
| 84-310-2 | Alleges government agency competing with private industry | Discontinued (Client) |

Labour — 5

| | | |
|---|---|---|
| 84-320-1 | Wages and vacation pay withheld by Department | Information Supplied |
| 84-320-2 | Alleges inaction by Manitoba Labour Board | Information Supplied |
| 84-320-3 | Dissatisfied with action being taken by branch re wage dispute | Information Supplied |
| 84-320-4 | Requesting information re Provincial Labour Code | Assistance Rendered |
| 84-320-5 | Alleges delay in pursuing her claim | Not Supported |

Manitoba Hydro — 23

| | | |
|---|---|---|
| 84-330-1 | Disputes meter readings and arrears bill | Assistance Rendered |
| 84-330-2 | Dispute over brush clearing and location of hydro line | Pending |
| 84-330-3 | Problem re storm windows and insulation loan program | Resolved |

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| 84-330-4 | Disputes rates charged for land rental | Discontinued (Client) |
| 84-330-5 | Alleges roadside spraying caused crop damage | Not Supported |
| 84-330-6 | Alleges disease caused by electrical lines | Declined |
| 84-330-7 | Billing dispute | Resolved |
| 84-330-8 | Alleges error in processing of application for grant | Not Supported |
| 84-330-9 | Allegation of harassment by Manitoba Hydro re outstanding account | Resolved |
| 84-330-10 | Disconnection notice | Information Supplied |
| 84-330-11 | Alleges unfair disconncetion of service | Information Supplied |
| 84-330-12 | Feels compensation should be paid for loss resulting from difficulties with hydro service | Not Supported |
| 84-330-13 | Billing dispute | Information Supplied |
| 84-330-14 | Seeking permission to construct building on easement | Pending |
| 84-330-15 | Objects to request by corporation to pay underbilled revenue tax | Information Supplied |
| 84-330-16 | Disconnection imminent | Assistance Rendered |
| 84-330-17 | Disputes service being disconnected for arrears | Not Supported |
| 84-330-18 | Hydro allegedly requesting large deposit to install service | Not Supported |
| 84-330-19 | Power disconnected because of outstanding bill | Not Supported |
| 84-330-20 | Problem re windows installed under Hydro agreement | Assistance Rendered |
| 84-330-21 | Billing dispute — feels she has been overcharged | Not Supported |
| 84-330-22 | Alleges unfair termination of employment | Not Supported |
| 84-330-23 | Seeking an adjusted financial settlement re expropriated property because of being allegedly misled by expropriating authority | Not Supported |

Manitoba Lotteries Foundation — 0

(340)

Manitoba Public Insurance Corporation — 65

| | | |
|---|---|---|
| 84-350-1 | Autopac claim dispute | Not Supported |
| 84-350-2 | Alleges he has not been dealt with fairly re property damage claim | Pending |
| 84-350-3 | Claim dispute | Resolved |
| 84-350-4 | Questions re settlement of Autopac claim | Assistance Rendered |
| 84-350-5 | Claim dispute | Resolved |
| 84-350-6 | Autopac claim dispute | Information Supplied |
| 84-350-7 | Claim dispute | Resolved |
| 84-350-8 | Alleges basement repairs inadequate | Not Supported |
| 84-350-9 | Dispute re liability assessment for accident | Not Supported |
| 84-350-10 | Claim dispute | Resolved |
| 84-350-11 | Feels he should not have to pay deductible as accident allegedly caused by City truck | Information Supplied |
| 84-350-12 | Claim dispute | Information Supplied |
| 84-350-13 | Dissatisfied with offer of settlement | Information Supplied |
| 84-350-14 | Delay in receiving claim cheque | Discontinued (Client) |
| 84-350-15 | Alleges the Manitoba Public Insurance Corporation has caused him to lose benefit of work performed in structuring a contract settlement | Not Supported |
| 84-360-16 | Claim dispute | Discontinued (Ombudsman) |
| 84-350-17 | Objects to denial of claim | Not Supported |
| 84-350-18 | Claim dispute | Not Supported |
| 84-350-19 | Claim dispute | Not Supported |
| 84-350-20 | Dispute over liability | Information Supplied |
| 84-350-21 | Claim dispute | Not Supported |
| 84-350-22 | Dispute re bodily injury claim | Resolved |
| 84-350-23 | Autopac claim dispute | Assistance Rendered |
| 84-350-24 | Delay in receipt of benefits and settlement of claim for personal injuries | Discontinued (Ombudsman) |
| 84-350-25 | Claim dispute | Resolved |

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| 84-350-26 | Claim dispute | Not Supported |
| 84-350-27 | Feels she is not being treated fairly by Autopac | Not Supported |
| 84-350-28 | Bodily injury claim dispute | Not Supported |
| 84-350-29 | Feels Autopac insurance should cover claims for personal injury even when such involves military vehicles and vehicles insured by out-of-province insurance companies | Information Supplied |
| 84-350-30 | Difficulties obtaining home owner's insurance coverage | Information Supplied |
| 84-350-31 | Claim dispute re damage to car | Resolved |
| 84-350-32 | Alleges unfair denial of insurance coverage | Pending |
| 84-350-33 | Bodily injury claim dispute | Resolved |
| 84-350-34 | Alleged delay in settling bodily injury claim | Information Supplied |
| 84-350-35 | Claim settlement dispute | Pending |
| 84-350-36 | Alleges unprofessional conduct by Claims Adjuster | Information Supplied |
| 84-350-37 | Denial of liability for insurance claim | Discontinued (Client) |
| 84-350-38 | Claim dispute | Not Supported |
| 84-350-39 | Claim dispute | Not Supported |
| 84-350-40 | Claim dispute | Resolved |
| 84-350-41 | Autopac claim dispute | Resolved |
| 84-350-42 | Dissatisfied with amount of compensation | Not Supported |
| 84-350-43 | Delay in settling bodily injury claim | Not Supported |
| 84-350-44 | Claim dispute — feels repairs authorized by Corporation inadequate | Resolved |
| 84-350-45 | Claim dispute — feels settlement by Corporation is unreasonable | Resolved |
| 84-350-46 | Claim dispute — alleges delay in settling claim | Discontinued (Client) |
| 84-350-47 | Feels he was treated unfairly by the Corporation | Not Supported |
| 84-350-48 | Questions Autopac's investigation of accident | Not Supported |
| 84-350-49 | Claim dispute — allegedly due to Autopac agents giving wrong information | Resolved |
| 84-350-50 | Allegedly not given the right to appeal liability claim | Resolved |
| 84-350-51 | dispute over liability | Resolved |
| 84-350-52 | Autopac claim dispute | Resolved |
| 84-350-53 | Autopac claim dispute | Not Supported |
| 84-350-54 | Claim dispute | Pending |
| 84-350-55 | Dissatisfied with offer for compensation for vehicle | Information Supplied |
| 84-350-56 | Claim dispute | Pending |
| 84-350-57 | Review of procedures for cancelling Driver's Licence for failure to pay Autopac premiums | Pending |
| 84-350-58 | Arbitration procedures | Pending |
| 84-350-59 | Disputes liability assessment | Pending |
| 84-350-60 | Alleges unfairness in Autopac's arbitration procedures | Pending |
| 84-350-61 | Delay in settling claim | Resolved |
| 84-350-62 | Autopac claim dispute | Resolved |
| 84-350-63 | Feels Autopac's decision is unfair | Not Supported |
| 84-350-64 | Questions valuation of automobile repairs and "write-offs" | Information Supplied |
| 84-350-65 | Objects to having to pay deductible | Resolved |

Manitoba Telephone System — 7

| | | |
|---|---|---|
| 84-360-1 | Problem involving portable computer terminal | Resolved |
| 84-360-2 | Telephone company will not give them information re obscene calls | Not Supported |
| 84-360-3 | Refused telephone service | Not Supported |
| 84-360-4 | Demand for $150.00 deposit or service to be discontinued | Resolved |
| 84-360-5 | Third party billing dispute | Information Supplied |
| 84-360-6 | Denial of service | Assistance Rendered |
| 84-360-7 | Unable to obtain telephone service even though there is a medical need | Resolved |

Municipal Affairs — 4

| | | |
|---|---|---|
| 84-370-1 | Alleges assessor spitefully assessed home too high | Information Supplied |
| 84-370-2 | Dispute regarding assessment of property | Information Supplied |
| 84-370-3 | Concerns about municipal assessment | Information Supplied |
| 84-370-4 | Alleges school tax system unfair to farmers | Information Supplied |

Municipalities, Cities, Towns, Etc. — 35

| | | |
|---|---|---|
| 84-380-1 | Dispute over city hydro charges | Information Supplied |
| 84-380-2 | Seeking clarification re increase in assessment | Information Supplied |
| 84-380-3 | Feels city should compensate her for cost of repairing broken water line | Declined |
| 84-380-4 | Objecting to municipal council's decision re location of a lagoon | Information Supplied |
| 84-380-5 | Problem re resident homeowner tax assistance | Assistance Rendered |
| 84-380-6 | Concerned about dental plan offered through school division | Information Supplied |
| 84-380-7 | Difficulties re development plan and zoning bylaw | Pending |
| 84-380-8 | Financial problems, and Welfare will not pay outstanding bills | Assistance Rendered |
| 84-380-9 | Alleges municipal officials will not act on complaint against neighbour | Declined |
| 84-380-10 | Feels he has been treated unfairly | Declined |
| 84-380-11 | Ineligible for Community Home Services Program | Information Supplied |
| 84-380-12 | Problem re hydro bill | Information Supplied |
| 84-380-13 | Upset over issuance of overnight parking ticket | Information Supplied |
| 84-380-14 | Alleges unfair treatment by Municipal Income Security program | Information Supplied |
| 84-380-15 | Seeking information re taxes, assessment and tax sale | Assistance Rendered |
| 84-380-16 | Alleges unfair treatment by rural council | Declined |
| 84-380-17 | Claim for compensation due to sewer backup | Information Supplied |
| 84-380-18 | Drainage problems | Pending |
| 84-380-19 | Traffic problem | Information Supplied |
| 84-380-20 | alleges city refuses to take action re work allegedly performed by construction department of city on neighbour's property, at night, without cost to neighbour | Declined |
| 84-380-21 | Alleges inaction by police | Declined |
| 84-380-22 | Refusal by school division to transport student | Information Supplied |
| 84-380-23 | Delay by council in approving zoning amendment | Declined |
| 84-380-24 | Feels municipal bylaw is discriminatory | Information Supplied |
| 84-380-25 | Difficulties re gas bill arrears | Resolved |
| 84-380-26 | Problem of incorrect assessment by city | Information Supplied |
| 84-380-27 | Feels city social services department, when paying rent for clients, should pay interest if rent payment is late | Information Supplied |
| 84-380-28 | Alleges municipal road not being properly maintained | Pending |
| 84-380-29 | Alleges municipal road not being properly maintained | Pending |
| 84-380-30 | Wants city to purchase from him some commercially-zoned property | Information Supplied |
| 84-380-32 | Questions concerning proposed local water and sewer improvements | Information Supplied |
| 84-380-33 | Denied financial assistance which she claims he needs in order to secure it | Information Supplied |
| 84-380-34 | Alleges inappropriate actions by police officers | Information Supplied |
| 84-380-35 | Alleges retroactive backwages withheld | Assistance Rendered |
| 84-380-36 | Concerned about cost of city council pension plan | Declined |

Natural Resources — 22

| | | |
|---|---|---|
| 84-390-1 | Seeking commercial fishing licence | Information Supplied |
| 84-390-2 | concerned about hearings held re level of lake | Pending |

| | | |
|---|---|---|
| 84-390-3 | Allegedly not compensated for water control ditch channelled across farm | Discontinued (Ombudsman) |
| 84-390-4 | Alleges flooding problem due to mistake allegedly made 41 years ago | Not Supported |
| 84-390-5 | Drainage problem | Information Supplied |
| 84-390-6 | Objects to notice received from Parks Branch re removal of personal property from leased Crown land | Information Supplied |
| 84-390-7 | Feels the banning of the use of all-terrain vehicles in provincial parks is unfair | Information Supplied |
| 84-390-8 | Feels Department should assist him re losses suffered because of forest fire | Assistance Rendered |
| 84-390-9 | Unable to obtain permit to build access road over Crown land | Pending |
| 84-390-10 | Difficulty renewing licence to conduct horseback pack trips into park lands | Information Supplied |
| 84-390-11 | Denied permission to build a dock | Pending |
| 84-390-12 | Drainage problem | Pending |
| 84-390-13 | Wishes to remove his land from goose refuge | Not Supported |
| 84-390-14 | Requests compensation for damage caused by forest fire | Not Supported |
| 84-390-15 | Alleges objectionable statements by Natural Resources officer | Resolved |
| 84-390-16 | Feels government should acquire his creek bed property for public use | Information Supplied |
| 84-390-17 | Feels he should be compensated for crop damaged by elk | Not Supported |
| 84-390-18 | Feel they are being unfairly asked to relocate dock | Pending |
| 84-390-19 | Stagnant water problem caused by division of creek | Not Supported |
| 84-390-20 | Commercial fisherman feels it is unfair that he lost his licence because of not filling quota | Not Supported |
| 84-390-21 | Concerns over job classification | Not Supported |
| 84-390-22 | Difficulties re purchase of Crown land | Pending |

Northern Affairs — 3

| | | |
|---|---|---|
| 84-400-1 | Dissatisfied with decision re application for a community assets grant | Discontinued (Client) |
| 84-400-2 | Employee allegedly not paid by employer for losses incurred through fire for which employer was insured | Resolved |
| 84-400-3 | Alleges unfair treatment by provincial lending agency and also conflict of interest by agency official | Pending |

Private Matters — 94

| | | |
|---|---|---|
| 84-410-1 | Difficulties re property transaction | Information Supplied |
| 84-410-2 | Incoherent ramblings | Assistance Rendered |
| 84-410-3 | Feels company has reneged on agreement with retired employees | Information Supplied |
| 84-410-4 | concerns over actions of lawyer | Information Supplied |
| 84-410-5 | Family dispute over mother's old age pension | Information Supplied |
| 84-410-6 | dispute over wages owing | Declined |
| 84-410-7 | Concerns re administration of estate | Declined |
| 84-410-8 | Complaint against dairy co-operative | Assistance Rendered |
| 84-410-9 | Dissatisfaction with work done by contractor | Information Supplied |
| 84-410-10 | Seeking information re motor vehicle accident | Information Supplied |
| 84-410-11 | Complaint against chartered accountant | Information Supplied |
| 84-410-12 | Complaint about co-op store | Information Supplied |
| 84-410-13 | Purchaser failed to complete land transaction | Declined |
| 84-410-14 | Complaint involving transfer of property | Information Supplied |
| 84-410-15 | Objects to high cost of text book | Information Supplied |
| 84-410-16 | Personal problems re employment, finances, etc. | Not Supported |
| 84-410-17 | Concerns about doctors | Declined |
| 84-410-18 | Financial problems involving court judgements, liens, etc. | Information Supplied |

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| 84-410-19 | Seeking advice concerning dispute with neighbour | Information Supplied |
| 84-410-20 | Ramblings about personal problems | Information Supplied |
| 84-410-21 | Alleges lawyers did not represent him fairly in drainage case | Information Supplied |
| 84-410-22 | Concerns about real property | Discontinued (Client) |
| 84-410-23 | Headingley Correctional Institution inmate requesting interview and advice re personal matter | Assistance Rendered |
| 84-410-24 | Suspects fraudulent transaction by car dealership | Assistance Rendered |
| 84-410-25 | Problem re lawyer's bill and Small Claims Court | Information Supplied |
| 84-410-26 | Expressing concerns about conditions on reserve | Information Supplied |
| 84-410-27 | Employment problem | Declined |
| 84-410-28 | Seeking assistance re dental problem | Information Supplied |
| 84-410-29 | Disabled person feels he should not have to pay for self-help recovery program | Information Supplied |
| 84-410-30 | Incomprehensible ramblings | Declined |
| 84-410-31 | Difficulties re university financing | Assistance Rendered |
| 84-410-32 | Problems re liens on automobile | Information Supplied |
| 84-410-33 | Problem involving school on Indian reserve | Discontinued (Ombudsman) |
| 84-410-34 | Property dispute | Information Supplied |
| 84-410-35 | Personal problems | Declined |
| 84-410-36 | Alleges unfair hiring practice by private clinic | Declined |
| 84-410-37 | Feels co-operative discriminating against small producers in egg grading and pricing procedures | Information Supplied |
| 84-410-38 | Difficulties involving late husband's estate | Information Supplied |
| 84-410-39 | Unable to get either store or delivery company to accept responsibility for damage to goods he purchased | Assistance Rendered |
| 84-410-40 | Request for information on Manitoba | Assistance Rendered |
| 84-410-41 | Request for information on Manitoba | Assistance Rendered |
| 84-410-42 | Difficulties involving judgement against husband | Declined |
| 84-410-43 | Landlord/tenant dispute | Declined |
| 84-410-44 | Complaint against commissionaires | Information Supplied |
| 84-410-45 | Seeking information re farm loan programs | Information Supplied |
| 84-410-46 | Problem involving automobile accident and garnishment of wages | Information Supplied |
| 84-410-47 | Seeking advice re financial problems | Information Supplied |
| 84-410-48 | Denied benefits on husband's death | Assistance Rendered |
| 84-410-49 | Unable to secure employment | Information Supplied |
| 84-410-50 | Dispute over pension benefits | Information Supplied |
| 84-410-51 | Difficulties in obtaining airline ticket refund | Assistance Rendered |
| 84-410-52 | Complaint against work done by contractors | Assistance Rendered |
| 84-410-53 | Unable to get doctor's certificate excusing use of seat belt | Assistance Rendered |
| 84-410-54 | Alleged injustice by the Workers Compensation Board of another province | Assistance Rendered |
| 84-410-55 | Difficulties re student teaching program | Discontinued (Client) |
| 84-410-56 | Received non-sufficient funds cheque from employer | Information Supplied |
| 84-410-57 | Difficulty in obtaining personal credit records | Assistance Rendered |
| 84-410-58 | Refund of overpayment of premiums denied by Blue Cross | Assistance Rendered |
| 84-410-59 | Mental patient requests assistance | Discontinued (Client) |
| 84-410-60 | Alleged misinformation from real estate agency and lawyer | Assistance Rendered |
| 84-410-61 | Seizure of property for arrears in payments | Assistance Rendered |
| 84-410-62 | Alleges disc jockey played cruel joke on her | Information Supplied |
| 84-410-63 | Tenant becoming a victim of dispute between landlord and local government district | Resolved |
| 84-410-64 | Personal problems involving his bank and his estranged wife | Information Supplied |
| 84-410-65 | Complaints against physicians, lawyers and other | Declined |

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| 84-410-66 | Difficulty in obtaining warranty service re car problem | Assistance Rendered |
| 84-410-67 | Problem obtaining settlement of insurance claim | Information Supplied |
| 84-410-68 | Out-of-province resident seeking information about her son who apparently was involved in a car accident in this province | Information Supplied |
| 84-410-69 | Problems with purchase of a farm | Declined |
| 84-410-70 | Concerns about professional association's handling of complaint | Information Supplied |
| 84-410-71 | Expressing concerns over landlord/tenant problem | Information Supplied |
| 84-410-72 | Alleges credit union acted improperly | Assistance Rendered |
| 84-410-73 | Problem involving Blue Cross benefits | Assistance Rendered |
| 84-410-74 | Property tax problem arising out of real estate transaction | Information Supplied |
| 84-410-75 | Concerns re legal representation in court | Discontinued (Client) |
| 84-410-76 | Numerous personal problems concerning income, unemployment, housing, etc. | Information Supplied |
| 84-410-77 | Alleges improper representation by legal profession | Information Supplied |
| 84-410-78 | Residents express concern over the changing of a veteran's hospital to an extended care centre for the elderly | Information Supplied |
| 84-410-79 | Alleges improper actions in the case of father's estate | Information Supplied |
| 84-410-80 | Various complaints | Assistance Rendered |
| 84-410-81 | Landlord/tenant dispute | Information Supplied |
| 84-410-82 | Problem obtaining deceased wife's personal effects from in-laws | Declined |
| 84-410-83 | Out-of-province company and post office refusing to accept responsibility for damaged goods | Assistance Rendered |
| 84-410-84 | Headingley Correctional Institution inmate alleges he was sent to jail for a crime committed by others | Declined |
| 84-410-85 | Complaint involving real estate firms and real estate board | Declined |
| 84-410-86 | Seeking information re landlord/caretaker relationship | Information Supplied |
| 84-410-87 | Alleges unfair dismissal from employment | Information Supplied |
| 84-410-88 | Alleges unfair dismissal from employment | Information Supplied |
| 84-410-89 | Alleges unfair dismissal from employment | Information Supplied |
| 84-410-90 | Bank withholding money | Information Supplied |
| 84-410-91 | Alleges unfair treatment of boyfriend by staff of halfway house | Information Supplied |
| 84-410-92 | Concern over increased costs in senior citizens care home | Information Supplied |
| 84-410-93 | Problems relating to bankruptcy and transfer of ownership of resort club | Information Supplied |
| 84-410-94 | Senior citizen faced with losing his home | Information Supplied |

Provincial Auditor — 0

(420)

Urban Affairs — 0

(440)

Worker Advisor Office — 1

| | | |
|---|---|---|
| 84-450-1 | Alleges misrepresentation by Worker Advisor | Pending |

Workers Compensation Board — 35

| | | |
|---|---|---|
| 84-460-1 | Difficulties re compensation claim | Information Supplied |
| 84-460-2 | Objects to change of claim status — from full temporary disability to permanent partial disability | Information Supplied |
| 84-460-3 | Denial of claim | Assistance Rendered |
| 84-460-4 | Seeking compensation benefits as dependent widow | Assistance Rendered |
| 84-460-5 | Claim denied | Not Supported |
| 84-460-6 | Alleges late claim unfairly dealt with by Board | Not Supported |

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| 84-460-7 | Alleges Board will not provide rehabilitation services | Pending |
| 84-460-8 | Objects to decision of Compensation Board's Review Committee | Information Supplied |
| 84-460-9 | Disputes claim settlement | Information Supplied |
| 84-460-10 | Difficulties filing claim for compensation | Resolved |
| 84-460-11 | Concerned about Board's handling of claim | Information Supplied |
| 84-460-12 | Problems re assessment and personal coverage of self-employed person | Resolved |
| 84-460-13 | Seeking assistance re compensation claim | Information Supplied |
| 84-460-14 | Headingley Correctional Institution inmate feels he should be receiving further compensation for shoulder injury | Information Supplied |
| 84-460-15 | Seeking lump sum settlement of claim | Information Supplied |
| 84-460-16 | Insufficient compensation | Information Supplied |
| 84-460-17 | Claim dispute | Information Supplied |
| 84-460-18 | Feels compensation claim was improperly denied | Information Supplied |
| 84-460-19 | Feels he should be receiving increased pension benefits and rehabilitation assistance | Information Supplied |
| 84-460-20 | Claim dispute and alleged inappropriate treatment by officials | Assistance Rendered |
| 84-460-21 | Delay in receiving compensation cheques | Not Supported |
| 84-460-22 | Request for reconsideration denied | Pending |
| 84-460-23 | Claim denied | Information Supplied |
| 84-460-24 | Feels his claim has not been handled fairly | Pending |
| 84-460-25 | Feels Board has not given a fair review to his claim | Resolved |
| 84-460-26 | Feels compensation benefits discontinued unfairly | Pending |
| 84-460-27 | Cheque from the Workers Compensation Board late | Resolved |
| 84-460-28 | Wants the Workers Compensation Board to re-open case relating to accident of 25 years ago | Information Supplied |
| 84-460-29 | Compensation denied, pending further information | Resolved |
| 84-460-30 | Objects to termination of compensation benefits | Not Supported |
| 84-460-31 | Alleges difficulties with compensation appeal procedure and rehabilitation program | Not Supported |
| 84-460-32 | Claim not accepted | Assistance Rendered |
| 84-460-33 | Feels it is taking too long for decision to be made re his claim | Pending |
| 84-460-34 | Compensation denied | Information Supplied |
| 84-460-35 | Does not agree with decision of Board to terminate benefits | Pending |

# The Ombudsman Act

# CHAPTER O45

# THE OMBUDSMAN ACT.

HER MAJESTY, by and with the advice and consent of the Ledgislative Assembly of Manitoba, enacts as follows:

**Definitions.**

**1** In this Act

(a) "agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(i) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(ii) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown;

(b) "department" means a department or branch of the executive government of the province;

(c) "minister" means a member of the Executive Council.

En. S.M., 1969, (2nd Sess.), c. 26, s.1.

**Appointment of Ombudsman.**

**2(1)** The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

Am. S.M. 1982, c. 51, s. 21.

**Recommendations of committee on privileges and elections.**

**2(2)** Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire with 12 months; or

(c) the Ombudsman has tendered his resignation to take effect with 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on privileges and elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

En. S.M. 1980, c. 22, s. 1.

**Meeting of Standing Committee.**

**2(3)** The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Am. S.M. 1982, c. 51, s. 21.
En. S.M. 1969, (2nd Sess.), c. 26, s. 2.
Am. S.M. 1980, c. 22, s. 1; S.M. 1982, c. 51, s. 21.

**Officer of Legislature.**

**3(1)** The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the assembly.

**Restrictions on employment.**

**3(2)** The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

En. S.M., 1969, (2nd Sess.), c. 26, s. 3.

**Term of office.**

**4(1)** Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a seond term of six years, but not for more than two terms of six years.

**Resignation.**

**4(2)** The Ombudsman may resign his office in writing addressed to the Speaker of the assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the assembly.

**Ombudsman over 65.**

**4(3)** Where the Ombudsman reaches 65 years of age during his term of office, notwithstanding section 54 of The Civil Service Superannuation Act, he is not required to retire from the office but he shall, for the purposes of that Act, be deemed to have retired and been re-employed by the government for the balance of his unexpired term of office and may apply for and be granted a deferred allowance under section 27 of that Act.

En. S.M. 1980, c. 22, s. 2.
En. S.M. 1969, (2nd Sess.), c. 26, s. 4.
Am. S.M. 1980, c. 22, s. 2.

**Removal or suspension.**

**5** The Lieutenant Governor in Council, on a resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon, may remove the Ombudsman from office or suspend him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 5.

**Suspension when Legislature not sitting.**

**6(1)** At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

**Acting Ombudsman.**

**6(2)** Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 6.

**Salary.**

**7(1)** The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

**Reduction of salary.**

**7(2)** The salary of the Ombudsman shall not be renduced except on resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon.

En. S.M., 1969, (2nd Sess.), c. 26, s. 7.

**Expenses.**

**8** The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

En. S.M., 1969, (2nd Sess.), c. 26, s. 8.

**Application of Civil Service Superannuation Act.**

**9(1)** The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

**Application of Civil Service Act.**

**9(2)** The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

En. S.M. 1980, c. 22, s. 3.

**Employees under Ombudsman.**

**9(3)** The Civil Service Act applies to persons employed under the Ombudsman.

En. S.M. 1969, (2nd Sess.), c. 26, s. 9.
Am. S.M. 1980, c. 22, s. 3.

**Oath of office.**

**10** Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 10.

**Oath of staff.**

**11** Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 11.

**Secrecy.**

**12(1)** The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

**Disclosure in reports.**

**12(2)** Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

En. S.M., 1969, (2nd Sess.), c. 26, s. 12.

**Powers under Part V of Evidence Act.**

**13** The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 87 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 88 of The Manitoba Evidence Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 13.

**Delegation.**

**14(1)** The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

**Evidence of delegation.**

**14(2)** A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

En. S.M., 1969, (2nd Sess.), c. 26, s. 14.

**Investigations.**

**15** The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

En. S.M., 1969, (2nd Sess.), c. 26, s. 15.

**Reference by committees of assembly.**

**16(1)** A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the committee as he thinks fit.

**Reference by Lieutenant Governor in Council.**

**16(2)** The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the Lieutenant Governor in Council as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 16.

**Exercise of powers, etc.**

**17** The Ombudsman may exercise and perform the powers, duties and fuctions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or
(b) that no appeal lies in respect thereof; or
(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 17.

**Restriction on jurisdiction.**

**18** Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applied; or

(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

En. S.M., 1969, (2nd Sess.), c. 26, s. 18.

**Restriction on investigation by minister.**

**19(1)** Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

**Report of certificate**

**19(2)** Where a certificate is given under subsection (1), the Ombudsman shall include the fact and a brief description of the circumstances of the matter in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 19.

**Questions relating to jurisdiction.**

**20** Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 20.

**Complaints in writing.**

**21** Every complaint to the Ombudsman shall be made in writing.

en. S.M., 1969, (2nd Sess.), c. 26, s. 21.

**Privacy of communication to Ombudsman.**

**22** Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to

the Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

En. S.M., 1969, (2nd Sess.), c. 26, s. 22.

**Refusal to investigate.**

**23(1)** The Ombudsman, in his decretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or

(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or

(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or

(d) in his opinion the circumstances of the case do not require investigation.

**Limitation on review of discretionary powers.**

**23(2)** Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

En. S.M., 1969, (2nd Sess.), c. 26, s. 23.

**Report of refusal to investigate.**

**24** Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

En. S.M., 1969, (2nd Sess.), c. 26, s. 24.

**Notice of investigation.**

**25** Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 25.

**Private investigations.**

**26** Every investigation by the Ombudsman under this Act shall be conducted in private.

En. S.M., 1969, (2nd Sess.), c. 26, s. 26.

**Hearings.**

**27** The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 27.

**Right to be heard.**

**28** The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

En. S.M., 1969, (2nd Sess.), c. 26, s. 28.

**Consultation with minister.**

**29(1)** The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

**Reference to deputy minister.**

**29(2)** Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

En. S.M., 1969, (2nd Sess.), c. 26, s. 29.

**Evidence.**

**30(1)** Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and

(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

**Examination on oath.**

**30(2)** The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;

(b) any complainant; and

(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 30.

**Restrictions on disclosures.**

**31** Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 31.

**Application of certain rules.**

**32(1)** Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

**Provisions relating to secrecy.**

**32(2)** Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Am. S.M. 1979, c. 28, s. 28.
En. S.M. 1969, (2nd Sess.), c. 26, s. 32.
Am. S.M. 1979, c. 28, s. 28.

**Admissibility of evidence.**

**33** Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

En. S.M., 1969, (2nd Sess.), c. 26, s. 33.

**Defence for certain offences.**

**34** No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 34.

**Right of entry.**

**35(1)** For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

**Notice of entry.**

**35(2)** Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

En. S.M., 1969, (2nd Sess.), c. 26, s. 35.

**Report on investigation.**

**36(1)** Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been
  (i) contrary to law, or
  (ii) unreasonable, or
  (iii) unjust, or
  (iv) oppressive, or
  (v) improperly discriminatory, or
  (vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or
  (vii) based wholly or partly on a mistake of law or fact, or
  (viii) wrong; or
(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised
  (i) for an improper purpose, or
  (ii) on irrelevant grounds, or
  (iii) on the taking into account of irrelevant consideration; or
(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

**Nature of recommendations.**

**36(2)** Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or
(b) that an omission should be rectified; or
(c) that a decision should be cancelled or varied; or
(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

En. S.M., 1969, (2nd Sess.), c. 26, s. 36.

**Notice of proposed steps.**

**37(1)** Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

**Further report on recommendations.**

**37(2)** If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his descretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, amy report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the assembly.

**Comments included in report.**

37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 37.

**Report to complainant.**

38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 38.

**Review of Ombudsman's decision.**

39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

En. S.M., 1969, (2nd Sess.), c. 26, s. 39.

**Proceedings against Ombudsman prohibited.**

40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

En. S.M., 1969, (2nd Sess.), c. 26, s. 40.

**Ombudsman not to be called as witness.**

41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 41.

**Annual report to the Legislature.**

42 The Ombudsman shall report annually to the assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 42.

**Publication of reports.**

43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 43.

**Rules.**

44(1) The assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

**Procedure of Ombudsman.**

**44(2)** Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 44.

**Offence and penalty.**

**45** Every person who

(a) without lawful justification or excuse wilfully obstructs, hinder, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

En. S.M., 1969, (2nd Sess.), c. 26, s. 45.

**Additional remedies.**

**46** The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 46.

Printed by P. N. CROSBIE, Queen's Printer for the Province of Manitoba
1976

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